EXHIBIT 291

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1
       IN THE UNITED STATES DISTRICT COURT
2
        FOR THE EASTERN DISTRICT OF OHIO
                EASTERN DIVISION
5
    IN RE: NATIONAL : MDL NO. 2804
    PRESCRIPTION OPIATE :
6
    LITIGATION
7
                        : CASE NO.
    THIS DOCUMENT : 1:17-MD-2804
8
    RELATES TO ALL CASES:
                        : Hon. Dan A.
9
                        : Polster
10
             Friday, August 3, 2018
11
12
    HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
             CONFIDENTIALITY REVIEW
13
14
                 Videotaped deposition of
    CHRISTOPHER ZIMMERMAN, taken pursuant to
    notice, was held at the law offices of
15
    Reed Smith, LLP, Three Logan Square, 1717
    Arch Street, Suite 3100, Philadelphia,
16
    Pennsylvania 19103, beginning at 9:00
17
    a.m., on the above date, before Amanda
    Dee Maslynsky-Miller, a Certified
18
    Realtime Reporter.
19
20
21
22
            GOLKOW LITIGATION SERVICES
        877.370.3377 ph 917.591.5672 fax
23
                deps@golkow.com
24
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	Page 2	Page 4
APPEARANCES:	•	
BARON & BUDD P.C. BY: MARK PIFKO, ESQUIRE BY: STERLING CLUFF, ESQU 15910 Ventura Boulevard #1600 Encino, California 91436 (818) 839-2333 mpifko@baronbudd.com Scluff@baronbudd.com - and - BY: SCOTT SIMMER, ESQUI Washington, DC (202) 333-4562 Ssimmer@baronbudd.com Representing the Plaintiffs REED SMITH, LLP BY: ROBERT A. NICHOLAS, BY: JOSEPHY J. MAHADY, E BY: JEFFREY R. MELTON, ES BY: SHANNON E. MCCLURE BY: THOMAS H. SUDDATH J Three Logan Square 1717 Arch Street Philadelphia, PA 19103 (215) 851-8100 Rnicholas@reedsmith.com Jmelton@reedsmith.com Jmelton@reedsmith.com Smcclure@reedsmith.com Tsuddath@reedsmith.com Representing the Defendant,	I 1 2 3 3 3 4 4 5 5 6 6 7 8 9 9 10 11 12 ESQUIRE SQUIRE SQUIRE IR., ESQUIRE IR., ES	APPEARANCES: (Continued) PELINI CAMPBELL & WILLIAMS, LLC BY: ERIC J. WILLIAMS, ESQUIRE 8040 Cleveland Avenue NW Suite 400 North Canton, OH 44720 330.305.6400 ejwilliams@pelini-law.com Representing the Defendant, Prescription Supply, Inc. WILLIAMS & CONNOLLY, LLP BY: MATTHEW C. MONAHAN, ESQUIRE 725 Twelfth Street, N.W. Washington, DC 20005 202.434.5000 mmonahan@wc.com Representing the Defendant, Cardinal Health ARNOLD & PORTER KAYE SCHOLER LLP BY: SAMUEL LONERGAN, ESQUIRE 250 West 55th Street New York, New York 10019 (212) 836-8000 samuel.lonergan@arnoldporter.com Representing the Defendant, Endo Pharmaceuticals BARTLIT BECK HERMAN PALENCHAR & SCOTT LL BY: KATHERINE M. SWIFT, ESQUIRE Courthouse Place 54 West Hubbard Street, Suite 300
Amerisource Bergen Drug Corporation	22 23 24	Chicago, Illinois 60654 (312) 494-4400 kate.swift@bartlit-beck.com Representing the Defendant,
APPEAR ANGEG (G)	Page 3	Page
APPEARANCES: (Continued) COVINGTON & BURLING BY: EMILY KVESELIS, ES 850 Tenth Street, NW Suite 856N Washington, DC 20001 202.662.5000 ekveselis@cov.com Representing the Defendant, McKesson Corporation MARCUS & SHAPIRA LLP	QUIRE 4 5 6 7 8 9	LOCKE LORD LLP BY: BRANDAN MONTMINY, ESQUIRI 2200 Ross Avenue Suite 2800 Dallas, Texas 75201 (214) 740-8000 brandan.montminy@lockelord.com Representing the Defendant, Henry Schein Medical Systems, Inc.
BY: JAMES F. ROSENBER One Oxford Centre 35th Floor Pittsburgh, PA 15219 412.338.4683 rosenberg@marcus-shapira Representing the Defendant, HBC Service Company JONES DAY BY: SARAH G. CONWAY, 555 South Flower Street Los Angeles, California 9007 (213) 489-3939 sgconway@jonesday.com Representing the Defendant, Walmart	11 12 13 14 15 16 ESQUIRE 17	BY: JESSICA F. SORICELLI, ESQUIRE BY: FEIFEI (ANDREA) REN, ESQUIRE 1211 Avenue of the Americas New York, New York 10036 (212) 596-9000 Jessica.Soricelli@ropesgray.com Andrea.Ren@ropesgray.com Representing the Defendant, Mallinckrodt MORGAN LEWIS & BOCKIUS, LLP BY: ELLIOT E. BROWN, ESQUIRE 1111 Pennsylvania Ave. NW Washington, D.C. 20004 (202) 739-3000 elliott.brown@morganlewis.com Representing the Defendants, Teva Pharmaceuticals, Inc., Cephalon, Inc., Watson Laboratories, Actavis LLC, and

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Page 6	Page 8
1 APPEARANCES: (Continued) 2 Via Teleconference:	EXHIBITS
JACKSON KELLY PLLC BY: SAMANTHA M. D'ANNA, ESQUIRE 500 Lee Street East	NO. DESCRIPTION PAGE Amerisource Bergen - Zimmerman
 Suite 1600 Charleston, WV 25301 (304) 340-1347 samantha.danna@jacksonkelly.com 	Exhibit-10 ABDCMDL 00000099-100 283 Amerisource Bergen - Zimmerman Exhibit-11 CAH_MDL_PRIORPROD_ DEA_07_00880890-92 303
Representing the Defendant, Miami-Luken, Inc.	Amerisource Bergen - Zimmerman Exhibit-12 MNKT1_0000291614-1620 328
 ZUCKERMAN SPAEDER LLP BY: VANESSA I. GARCIA, ESQUIRE 485 Madison Avenue 	Amerisource Bergen - Zimmerman Lambda Exhibit-13 ABDCMDL 00278212 362 Amerisource Bergen - Zimmerman Exhibit-14 ABDCMDL 00000124-147 380
10th Floor New York, New York 10022 (212) 704-9600 vgarcia@zuckerman.com	Amerisource Bergen - Zimmerman 14 Exhibit-15 No Bates March 2017 15 AmerisourceBergen Code
Representing the Defendant, CVS Pharmacy	of Ethics and Business Conduct 439 Amerisource Bergen - Zimmerman Exhibit-16 No Bates
 ALSO PRESENT: David Lane, Videographer Zac Hone - Trial Technician 	West Virginia Case Document, Organization Charts 443
19 20 21	20 Amerisource Bergen - Zimmerman Exhibit-17 ABDCMDL 00251392-94 451 21 Amerisource Bergen - Zimmerman 22 Exhibit-18 ABDCMDL 00002325-2334 453
22 23 24	Amerisource Bergen - Zimmerman Exhibit-19 ABDCMDL 00002405-2418 459
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$ \begin{array}{ccc} & & & & & & \\ & & & & & & & \\ & & & &$	DEPOSITION SUPPORT INDEX
Testimony of: CHRISTOPHER ZIMMERMAN	3
By Mr. Pifko 11	⁵ Direction to Witness Not to Answer
EXHIBITS	6 Page Line Page Line Page Line 7 195 12 195 23
NO. DESCRIPTION PAGE	8 196 10 196 17
Amerisource Bergen - Zimmerman Exhibit-1 Notice of Deposition 13 Amerisource Bergen - Zimmerman Exhibit-2 *Skipped*	9
Amerisource Bergen - Zimmerman Exhibit-3 Notice of 30(b)(6) Deposition 19	10 Request for Production of Documents 11 Page Line Page Line Page Line 12 None
Amerisource Bergen - Zimmerman Exhibit-4 2001 Chemical Handler's Notebook 131	14 15 Stipulations
Amerisource Bergen - Zimmerman Exhibit-5 ABDCMDL 00279854-65 137 Amerisource Bergen - Zimmerman Exhibit-6 ABDCMDL 00269683-694 145	Page Line Page Line Page Line 17 10 1 18
Amerisource Bergen - Zimmerman Exhibit-7 ABDCMDL 00000101-122 170 Amerisource Bergen - Zimmerman Exhibit-8 ABDCMDL 00270533 248	 Question Marked Page Line Page Line None
44	23

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	Page 10		Page 12
1		1	your testimony here is under penalty of
2	(It is hereby stipulated and	2	perjury.
3	agreed by and among counsel that	3	71. 1 Co.
4	sealing, filing and certification	4	Q. And that means that if you
5	are waived; and that all	5	are untruthful or dishonest in any way
6	objections, except as to the form	6	you could be subject to penalties from
7	of the question, will be reserved	7	the court.
8	until the time of trial.)	8	Do you understand that?
9		9	A. Yes.
10	VIDEO TECHNICIAN: We are	10	Q. Do you intend to provide
11	now on the record. My name is	11	cooperative testimony today?
12	David Lane, videographer for	12	A. I do.
13	Golkow Litigation Services.	13	Q. From time to time,
14	Today's date is August 3rd, 2018.	14	Amerisource's counsel might assert
15	Our time is 9:23 a.m.	15	objections. Unless he instructs you not
16	This deposition is taking	16	to answer, I'm still entitled to an
17	place in Philadelphia,	17	
18	Pennsylvania, in the matter of	18	Do you understand that?
19	National Prescription Opiate	19	A. Yes.
20	Litigation. Our deponent today is	20	Q. We can take breaks I'm
21	Chris Zimmerman. Our counsel will	21	
22	be noted on the stenographic	22	prep session with your lawyers. We can
23	record.		take breaks. The only thing is unless
24	The court reporter is Amanda		your counsel is going to be conferring
	Page 11		Page 13
1	Miller and will now swear in the	1	with you about a privilege, we can't take
2	witness.	2	a cream white a decement is beneath.
3		3	Do you agree to that?
4	CHRISTOPHER ZIMMERMAN, after	4	A. Yes.
5	having been duly sworn, was	5	MR. PIFKO: Let's start by
6	examined and testified as follows:	6	handing him the 30(b)(6) notice
7		7	for Number 1.
8	VIDEO TECHNICIAN: Please	8	BY MR. PIFKO:
9	begin.	9	Q. While he's getting that, are
10		10	you under any medications or undergoing
11	EXAMINATION	11	any treatment of any kind that would
12		12	inhibit your ability to provide truthful
13	BY MR. PIFKO:	13	and accurate testimony today?
14	Q. Good morning, Mr. Zimmerman.	14	A. No.
15	My name is Mark Pifko, I'm counsel for	15	Q. Is there any reason that you
16	-	16	can state why your deposition should not
17	few moments ago for the first time, off	17	go forward today?
18	_	18	A. No.
19	You understand that you are	19	
20		20	(Whereupon, Amerisource
21		21	Bergen-Zimmerman Exhibit-1, Notice
22	A. Correct.	22	of Deposition, was marked for
23	Q. The court reporter just	23	identification.)
	swore you in. So you understand that	24	
144	SWOLE YOU III. DO YOU UHUCISIAHU HIAL		
∠4			

CITTISCOPILET ZIMMETIM	<u> </u>
Page 14	
¹ BY MR. PIFKO:	¹ A. A couple of weeks ago,
² Q. I've just handed you what's	² maybe.
³ marked as Exhibit-1, which is a first	Q. And are you prepared to
⁴ notice of deposition under Rule 30(b)(6).	⁴ provide testimony on behalf of the
⁵ It's got some topics on	⁵ company with respect to these topics?
⁶ here, there are page numbers under there.	⁶ A. Within a certain time frame,
⁷ The topics start on the bottom of the	⁷ yes.
8 page, Page 6.	⁸ Q. I understand the time frame
9 Do you see that?	⁹ goes from up until the end of 2014; is
¹⁰ A. Yes.	¹⁰ that correct?
Q. Have you seen this document	¹¹ A. Correct.
12 before?	MR. NICHOLAS: Just for the
A. I don't believe so.	record, just one of these topics,
Q. Have you seen these topics	Topic O, is one which I believe
15 before?	there's an agreement among counsel
A. Let me take a quick look at	that we will respond to in writing
¹⁷ them.	as opposed to in testimony here
¹⁸ Q. Sorry?	18 today.
A. I'm reading through these	¹⁹ MR. PIFKO: Well, we can
²⁰ real quickly.	meet and confer, but I don't
Q. Just for housekeeping, we	intend to take testimony on that
²² didn't go over that, but there are,	topic today in any event.
²³ again, I'm sure your counsel told you	MR. NICHOLAS: Well, just to
²⁴ some of these things in preparing for the	be clear, though, I think there's
Page 15	Page 17
¹ depo, but there's a couple of ground	an agreement that we're responding
 depo, but there's a couple of ground rules that we have to remember because 	an agreement that we're responding
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	Christopher Zimmerman	.1	(Allier isour cebergen)
	Page 18		Page 20
1	you, right now sitting in that chair for	1	for identification.)
2	the purpose of this case, are	2	
3	AmerisourceBergen with respect to these	3	BY MR. PIFKO:
4		4	Q. It's marked as Exhibit-3,
5	Do you understand that?	5	
6	MR. NICHOLAS: Object to the	6	today.
7	form.	7	And it also, in addition to
8	You can answer.	8	calling for your 30(b)(6) testimony, it
9	THE WITNESS: Yes, I'm going	9	calls for your individual testimony as
10			well.
11	to be speaking on these topics.	11	
12	BY MR. PIFKO:	12	A. Okay.
	Q. And from time to time, I		Q. Are you familiar with The
	might be asking, does AmerisourceBergen		Controlled Substances Act?
	do this or that? And you'll be	14	A. Yes.
15	answering, you know, so long as it's	15	Q. How long have you been
16	within the scope of these topics, your	16	working at i interpolate beigen.
17	ee answering on eenan or and eenipung.	17	A. Since January 1990.
18	Do you understand that?	18	Q. And you are currently senior
19	MR. NICHOLAS: Same	19	vice president, chief compliance officer?
20	objection.	20	A. Correct.
21	But go ahead.	21	Q. And you're also senior vice
22	THE WITNESS: Yes, I'll be	22	president in charge of the what's your
23	answering questions.		exact title for the aspect of the company
24	BY MR. PIFKO:	24	that deals with compliance with the CSA?
	Page 19		Page 21
1	Q. And you understand that	1	A. So I'm senior vice president
	you'll be answering them on behalf of the	2	
3	company? That's what I'm trying to get	3	affairs.
4		4	
5	at.	5	Q. And you guys called that
6	MR. NICHOLAS: Same	6	CSRA within your company?
7	objection.		A. That's the abbreviation,
	You can answer.	7	y Co.
8	THE WITNESS: It depends on	8	Q. So if I use the term "CSRA,"
9	whether it's as I'm representing	9	you understand what that means?
10	the company. You also indicated	10	A. Yes.
11	I'll be answering questions for	11	Q. AmerisourceBergen is a
12	myself.	12	registrant ander the controlled
13	BY MR. PIFKO:	13	Substances Act, correct?
14	Q. But with respect to these	14	A. We are a DEA registrant,
15	topics, you understand that for the date	15	correct.
16	range we discussed, you'll be answering	16	Q. Have you ever heard the
17	on behalf of the company?	17	term, I think I'm from California, we
18	A. Yes.	18	drive a lot there, there's a phrase they
19	Q. Okay. And then I just	19	use that says, driving is a privilege,
20	handed you what's marked as Exhibit-2.	20	not a right.
21		21	Have you ever heard that
22	(Whereupon, Amerisource	22	kind of a phrase before?
23	Bergen-Zimmerman Exhibit-3, Notice	23	A. Not really.
24	of 30(b)(6) Deposition, was marked	24	•
Ĺ	or so(o)(o) Deposition, was marked		Q. AmerisourceBergen sells

			D 24
	Page 22		Page 24
- 1	drugs, correct?	1	THE WITNESS: Can you say
2	A. Correct.	2	your question one more time?
3	Q. Included among those drugs	3	BY MR. PIFKO:
4	are controlled substances, correct?	4	Q. The ability to sell
5	A. Yes.	5	controlled substances also comes with
6	Q. And it's AmerisourceBergen's	6	certain obligations that you must follow,
7	position as a registrant that allows the	7	correct?
8	company to sell controlled substances,	8	MR. NICHOLAS: Same
9	correct?	9	objection.
10	MR. NICHOLAS: Object to the	10	THE WITNESS: It's the
11	form.	11	obligations of the requirements of
12	THE WITNESS: We have a	12	the Code of Federal Regulations.
13	controlled substance registration	13	BY MR. PIFKO:
14	that allows us to distribute.	14	Q. And specifically, that's The
15	BY MR. PIFKO:	15	Controlled Substances Act, correct?
16	Q. And absent that	16	A. The regulations from the
17		17	_
18	registration, it's not legal for	18	act, correct.
19	AmerisourceBergen to sell controlled	19	Q. So The Controlled Substances
20	substances, correct?	20	Act and the regulations that follow,
	A. Correct.		correct?
21	Q. So do you understand that	21	A. Yes.
22	along with the privilege and the right	22	Q. Do you know what a duty to
	to the ability to sell controlled	1	maintain effective controls is?
24	substances, certain duties are attached	24	MR. NICHOLAS: Object to the
_		_	
	Page 23		Page 25
1	Page 23 to that as well.	1	Page 25 form.
1 2	to that as well.	1 2	- 1
	to that as well. Do you understand that?		form. THE WITNESS: I'm not sure
2	to that as well. Do you understand that? MR. NICHOLAS: Object to the	2	form. THE WITNESS: I'm not sure what your question is. We I'm
3	to that as well. Do you understand that? MR. NICHOLAS: Object to the form.	2	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is.
3 4	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure	2 3 4	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO:
2 3 4 5	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as	2 3 4 5 6	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase,
2 3 4 5 6	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties."	2 3 4 5 6	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO:
2 3 4 5 6 7	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO:	2 3 4 5 6 7	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No.
2 3 4 5 6 7 8	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there	2 3 4 5 6 7 8	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"?
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2 3 4 5 6 7 8 9 10	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances,	2 3 4 5 6 7 8 9	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No.
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2 3 4 5 6 7 8 9 10 11 12 13	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to	2 3 4 5 6 7 8 9 10 11 12 13 14	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to	2 3 4 5 6 7 8 9 10 11 12 13 14	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to adhere to.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances? A. Yes. We have to maintain
2 3 4 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to adhere to. Q. Right. So my question is,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances? A. Yes. We have to maintain effective controls from diversion. I
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to adhere to. Q. Right. So my question is, the ability to sell controlled substances	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances? A. Yes. We have to maintain effective controls from diversion. I just don't know duty was included in that
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to adhere to. Q. Right. So my question is, the ability to sell controlled substances also comes with certain obligations,	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances? A. Yes. We have to maintain effective controls from diversion. I just don't know duty was included in that or not.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to adhere to. Q. Right. So my question is, the ability to sell controlled substances also comes with certain obligations, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances? A. Yes. We have to maintain effective controls from diversion. I just don't know duty was included in that or not. Q. I'll represent to you that
2 3 4 4 5 6 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to adhere to. Q. Right. So my question is, the ability to sell controlled substances also comes with certain obligations, correct? MR. NICHOLAS: Object to the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances? A. Yes. We have to maintain effective controls from diversion. I just don't know duty was included in that or not. Q. I'll represent to you that the word "duty" is in there.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to that as well. Do you understand that? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not sure what you're referring to as "duties." BY MR. PIFKO: Q. Okay. You understand there are restrictions on what you can do as an entity selling controlled substances, correct? A. There's requirements that we follow. I don't know if I'd refer to them as restrictions, but there's regulatory requirements that we have to adhere to. Q. Right. So my question is, the ability to sell controlled substances also comes with certain obligations, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	form. THE WITNESS: I'm not sure what your question is. We I'm not sure what your question is. BY MR. PIFKO: Q. Have you heard the phrase, "duty to maintain effective controls"? A. No. Q. You've never heard that term before? A. No. Q. Do you have an understanding that under The Controlled Substances Act, AmerisourceBergen has a duty to maintain effective controls to prevent diversion of certain substances? A. Yes. We have to maintain effective controls from diversion. I just don't know duty was included in that or not. Q. I'll represent to you that

	Christopher Zimmerman	n	(AmerisourceBergen)
	Page 26		Page 2
1	effective controls as part of your	1	MR. PIFKO: Well, if you
2	serving as a registrant and selling	2	tell the witness the question is
3	controlled substances?	3	too big and then he responds, I
4	A. Yes, we have an	4	don't know how to answer it, it's
5	obligation there's a regulatory	5	too big, then we've got a problem
6	responsibility to have effective controls	6	here because you're telling him
7	to prevent diversion.	7	what to say.
8	Q. What's your understanding of	8	Do you understand?
9	what that means?	9	MR. NICHOLAS: No, I'm not
10	MR. NICHOLAS: Object to the	10	telling him what to say. I'm
11	form. I object to the question.	11	making an objection. So why don't
12	It's too big.	12	you just go ahead?
13	THE WITNESS: I guess	13	MR. PIFKO: I hope that we
14	that's an overarching statement.	14	can have compliance with the rules
15	If you can clarify what	15	here. And understanding that
16	instances within the Code of	16	we're going to be doing that, I'm
17	Federal Regulations you're	17	going to proceed.
18	referring to with the effective	18	BY MR. PIFKO:
19	controls, there's several	19	Q. You have a duty to maintain
20	different areas in there.	20	effective controls to prevent against
21	MR. PIFKO: We're going to	21	diversion, correct?
22	have to not have any speaking	22	A. Correct.
23	objections. Saying "too big" is	23	Q. Do you understand what that
24	not an objection, and it's	24	means?
	·		
1	Page 27	1	Page 2
2	obviously influencing the	2	A. Yes, I understand what that
3	witness's testimony.	3	meuns.
4	So you can state your		Q. What is your understanding of what that means?
5	objection with clarity. You can	5	A. We have to have effective
6	state form or foundation. But	-	
7	that's all you can do, okay?	7	controls to prevent diversion, both on
8	MR. NICHOLAS: Mark, I		the physical security operational side,
9	appreciate the instruction, but	8	as well as ensuring we only distribute to
	I'm going to have to handle my own	10	licensed entities, and a duty to report
10 11	objections the way I see fit.	10	suspicious orders.
12	MR. PIFKO: If you're going	11	Q. You mentioned there, "duty
13	to be coaching the witness	13	to report suspicious orders."
	throughout the day, we're going to		If I refer to that as the
14	stop the deposition, we're going	1	"reporting requirement," do you have an
15	to seek sanctions and we're going	15	understanding of that?
1 (come back here.	16	A. If you are referring to the
16	1.10 ****** **** dougloud 410.4*1	17	regulation that we have to design and
17	Do you understand that?	1 1 0	anamaka a arrakana ka idankibu arramiaiarra
17 18	MR. NICHOLAS: You can do	18	operate a system to identify suspicious
17 18 19	MR. NICHOLAS: You can do whatever you think you need to do.	19	orders and report those suspicious orders
17 18 19 20	MR. NICHOLAS: You can do whatever you think you need to do. I'm not coaching the witness. I'm	19 20	orders and report those suspicious orders to DEA, yes.
17 18 19 20 21	MR. NICHOLAS: You can do whatever you think you need to do. I'm not coaching the witness. I'm stating what I think are	19 20 21	orders and report those suspicious orders to DEA, yes. Q. Okay. So at various points
17 18 19 20 21 22	MR. NICHOLAS: You can do whatever you think you need to do. I'm not coaching the witness. I'm stating what I think are appropriate objections in the	19 20 21 22	orders and report those suspicious orders to DEA, yes. Q. Okay. So at various points today we might refer to that as the
17 18 19 20 21	MR. NICHOLAS: You can do whatever you think you need to do. I'm not coaching the witness. I'm stating what I think are	19 20 21 22	orders and report those suspicious orders to DEA, yes. Q. Okay. So at various points

	All (Allier ISOur Cebergell)
Page 30	
71. 105. If that 5 the	1 well? 2 A I don't I don't think
² definition we're going to go with, yes.	A. I don't I don't tillik
³ Q. Okay. There's also a	³ there's a requirement not to ship. We do
⁴ requirement to provide records of all	4 not ship suspicious orders.
⁵ your shipments through the ARCOS system.	· · · · · ·
6 Are you familiar with that?	6 there's no requirement under the law to
A. Only certain drugs are	⁷ not ship a suspicious order?
⁸ within the are considered ARCOS	8 A. Not that I know of.
⁹ products. So not all controlled	⁹ Q. You testified in the West
¹⁰ substances are reported through ARCOS.	¹⁰ Virginia Attorney General litigation in
Q. Fair enough.	¹¹ 2016, correct?
But to the extent a	12 A. Yes.
¹³ substance is under the requirement to	Q. Let's back up for a second.
¹⁴ report to ARCOS, you understand that	When we talk about this idea
there's an obligation to do so, correct?	15 to prevent diversion, do you have an
¹⁶ A. Yes.	¹⁶ understanding of why there is such a
Q. Okay. You understand that	¹⁷ requirement?
¹⁸ the reporting to ARCOS is different than	¹⁸ MR. NICHOLAS: Object to the
¹⁹ the reporting of a suspicious order,	¹⁹ form.
²⁰ correct?	THE WITNESS: There's
²¹ A. Yes.	certain as a distributor, the
Q. So complying with the ARCOS	DEA outlines certain requirements
²³ requirement does not equate to compliance	that distributors I'll speak as
²⁴ with the suspicious order reporting	for a distributor has to adhere
Page 3	Page 33
Page 31	_
¹ requirement.	to in order to maintain effective
 requirement. Do you understand that? 	to in order to maintain effective controls to prevent diversion.
 requirement. Do you understand that? A. Yes. 	 to in order to maintain effective controls to prevent diversion. And those are the those
 requirement. Do you understand that? A. Yes. Q. Have you heard of the 	 to in order to maintain effective controls to prevent diversion. And those are the those are the regulations that our
 requirement. Do you understand that? A. Yes. Q. Have you heard of the shipping requirement? 	to in order to maintain effective controls to prevent diversion. And those are the those are the regulations that our company follows, and those are the
 requirement. Do you understand that? A. Yes. Q. Have you heard of the shipping requirement? A. No. 	to in order to maintain effective controls to prevent diversion. And those are the those are the regulations that our company follows, and those are the ones we have implemented in order
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1 requirement. 2 Do you understand that? 3 A. Yes. 4 Q. Have you heard of the 5 shipping requirement? 6 A. No. 7 Q. Are you familiar with the 8 Masters Pharmaceutical case? 9 A. I've seen it, yes. 10 Q. Are you aware that that case 11 discusses something called the shipping 12 requirement? 13 A. I've seen that reference to 14 shipping requirement.	to in order to maintain effective controls to prevent diversion. And those are the those are the regulations that our company follows, and those are the ones we have implemented in order to maintain our registration. BY MR. PIFKO: Q. Right. So what I'm trying to understand is, do you have an understanding about what the purpose is of those rules? MR. NICHOLAS: Object to the form.
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1 requirement. 2 Do you understand that? 3 A. Yes. 4 Q. Have you heard of the 5 shipping requirement? 6 A. No. 7 Q. Are you familiar with the 8 Masters Pharmaceutical case? 9 A. I've seen it, yes. 10 Q. Are you aware that that case 11 discusses something called the shipping 12 requirement? 13 A. I've seen that reference to 14 shipping requirement. 15 Q. Do you know what that is? 16 A. No.	to in order to maintain effective controls to prevent diversion. And those are the those are the regulations that our company follows, and those are the ones we have implemented in order to maintain our registration. BY MR. PIFKO: Q. Right. So what I'm trying to understand is, do you have an understanding about what the purpose is of those rules? MR. NICHOLAS: Object to the form. THE WITNESS: The purpose is to maintain effective controls
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¹ regulations.	¹ Schedule II substance has a high
² BY MR. PIFKO:	² potential for abuse?
³ Q. Do you have an understanding	³ MR. NICHOLAS: Object to the
⁴ about why those are the requirements of	4 form.
⁵ the regulations?	⁵ THE WITNESS: I don't know
6 MR. NICHOLAS: Object to the	6 that. But it's a Schedule II.
⁷ form.	⁷ BY MR. PIFKO:
8 THE WITNESS: Those are the	⁸ Q. What do you mean by, "I
⁹ regulations that we have to follow	⁹ don't know that but it's a Schedule II"?
in order to keep our registration.	A. You asked if I knew whether
To be a distributor, you have to	¹¹ the government stated I don't know if
meet those requirements in the	12 the government stated that. But I know,
regulations.	13 by it being a Schedule II, it has a high
¹⁴ BY MR. PIFKO:	14 potential of abuse.
Q. Are you familiar with the	Q. So you do know that a
16 scheduling system of controlled	¹⁶ Schedule II substance has a high
17 substances?	potential for abuse, correct?
¹⁸ A. I understand that there's	A. That's why it's a Schedule
¹⁹ Schedules 1 through IV, yes.	19 II.
Q. Do you know what a Schedule	Q. And you know that this case
²¹ I substance is?	²¹ primarily concerns Schedule II
A. I believe I don't know	²² substances?
²³ the official, but it's no I believe it	A. I don't know I don't know
²⁴ references there's no medical purpose.	²⁴ that.
1 1	
D 25	D 27
Page 35	
¹ Q. How about Schedule II, do	¹ Q. We'll get into that.
Q. How about Schedule II, do you know what a Schedule II substance is?	 Q. We'll get into that. A. Okay.
Q. How about Schedule II, do you know what a Schedule II substance is? A. It's a Schedule II	 Q. We'll get into that. A. Okay. Q. Do you know what a Schedule
 Q. How about Schedule II, do you know what a Schedule II substance is? A. It's a Schedule II controlled substance, yes. 	 Q. We'll get into that. A. Okay. Q. Do you know what a Schedule III substance is?
Q. How about Schedule II, do you know what a Schedule II substance is? A. It's a Schedule II controlled substance, yes. Q. But what's what are	 Q. We'll get into that. A. Okay. Q. Do you know what a Schedule III substance is? A. It's a controlled substance
Q. How about Schedule II, do you know what a Schedule II substance is? A. It's a Schedule II controlled substance, yes. Q. But what's what are attributes of a Schedule II substance	 Q. We'll get into that. A. Okay. Q. Do you know what a Schedule III substance is? A. It's a controlled substance that has a that has a potential of
Q. How about Schedule II, do you know what a Schedule II substance is? A. It's a Schedule II controlled substance, yes. Q. But what's what are attributes of a Schedule II substance MR. NICHOLAS: Object.	Q. We'll get into that. A. Okay. Q. Do you know what a Schedule III substance is? A. It's a controlled substance that has a that has a potential of abuse but not as high as a Schedule II.
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Q. How about Schedule II, do you know what a Schedule II substance is? A. It's a Schedule II controlled substance, yes. Q. But what's what are attributes of a Schedule II substance MR. NICHOLAS: Object. BY MR. PIFKO: Q based on your	Q. We'll get into that. A. Okay. Q. Do you know what a Schedule III substance is? A. It's a controlled substance that has a that has a potential of abuse but not as high as a Schedule II. Q. So a Schedule I Schedule II substance has a high potential for
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Q. How about Schedule II, do you know what a Schedule II substance is? A. It's a Schedule II controlled substance, yes. Q. But what's what are attributes of a Schedule II substance MR. NICHOLAS: Object. BY MR. PIFKO: Q based on your understanding? MR. NICHOLAS: Object to the form. Go ahead. HE WITNESS: The Schedule II, III, IV, V are all scheduled as to their potential for abuse. PY MR. PIFKO: Q. Do you understand that a Schedule II substance has a high potential for abuse? A. It's higher than III and IV	Q. We'll get into that. A. Okay. Q. Do you know what a Schedule III substance is? A. It's a controlled substance that has a that has a potential of abuse but not as high as a Schedule II. Q. So a Schedule I Schedule II substance has a high potential for abuse and a Schedule III substance has a potential for abuse but may be less high than Schedule II, correct? A. Correct. Q. You understand that this case concerns opioid products, correct? A. Correct. Q. Do you know what an opioid product is? A. A product that contains opioid. O Do you know what the word

Christopher Zimmerma	n (AmerisourceBergen)
Page 38	Page 40
¹ Q. Do you know what the active	¹ A. Yes.
² ingredient in morphine is?	² Q. When we use the word
³ A. I don't know.	³ "diversion," do you have an understanding
⁴ Q. The word "opiate," it	⁴ about what that means?
⁵ derives from opium.	⁵ A. It depends on the context.
6 Do you understand that?	⁶ Q. In the context of The
⁷ A. Yes.	⁷ Controlled Substances Act.
8 Q. Opium comes from a poppy	8 MR. NICHOLAS: Object to the
⁹ flower.	9 form.
Do you understand that?	THE WITNESS: So diversion
A. I understand that, yes.	is that a drug that's well,
Q. So a product that is an	again, it depends. Even with
opioid is derived from the opium.	controlled substances, it could
Do you have an understanding	be it could have several
15 of that?	be it could have several
	different incamings. 50 if it's
WIR. MCHOLAS. Objection.	diverted from their, it could be a
THE WITHESS. I don't know	diversion because of a bad
the medical makeup and how of	prescription.
how an opioid is manufactured. I	It's when a drug I've
don't know that.	seen it referenced as a drug that
²¹ BY MR. PIFKO:	leaves the normal distribution
Q. But you understand that the	channels.
²³ active ingredient is derived from some	²³ BY MR. PIFKO:
²⁴ opiate-like substance?	Q. Okay. What's the normal
Page 39	Page 41
Page 39 MR. NICHOLAS: Objection.	Page 41 distribution channel?
¹ MR. NICHOLAS: Objection.	¹ distribution channel?
 MR. NICHOLAS: Objection. Asked and answered. 	 distribution channel? A. That the closed system of
 MR. NICHOLAS: Objection. Asked and answered. THE WITNESS: I know it's an 	 distribution channel? A. That the closed system of manufacture to DEA registrant distributor
 MR. NICHOLAS: Objection. Asked and answered. THE WITNESS: I know it's an opioid. I don't know the 	 distribution channel? A. That the closed system of manufacture to DEA registrant distributor to DEA registrant dispenser.
MR. NICHOLAS: Objection. Asked and answered. THE WITNESS: I know it's an opioid. I don't know the derivatives.	 distribution channel? A. That the closed system of manufacture to DEA registrant distributor to DEA registrant dispenser. Q. Do you have an understanding
MR. NICHOLAS: Objection. Asked and answered. THE WITNESS: I know it's an opioid. I don't know the derivatives. BY MR. PIFKO:	 distribution channel? A. That the closed system of manufacture to DEA registrant distributor to DEA registrant dispenser. Q. Do you have an understanding about what the closed system is?
MR. NICHOLAS: Objection. Asked and answered. THE WITNESS: I know it's an opioid. I don't know the derivatives. MR. PIFKO: Q. Can you name any substances	 distribution channel? A. That the closed system of manufacture to DEA registrant distributor to DEA registrant dispenser. Q. Do you have an understanding about what the closed system is? MR. NICHOLAS: Object to the
MR. NICHOLAS: Objection. Asked and answered. THE WITNESS: I know it's an opioid. I don't know the derivatives. BY MR. PIFKO: Q. Can you name any substances that you understand to be classified as	 distribution channel? A. That the closed system of manufacture to DEA registrant distributor to DEA registrant dispenser. Q. Do you have an understanding about what the closed system is? MR. NICHOLAS: Object to the form.
MR. NICHOLAS: Objection. Asked and answered. THE WITNESS: I know it's an opioid. I don't know the derivatives. BY MR. PIFKO: Q. Can you name any substances that you understand to be classified as an opioid?	 distribution channel? A. That the closed system of manufacture to DEA registrant distributor to DEA registrant dispenser. Q. Do you have an understanding about what the closed system is? MR. NICHOLAS: Object to the form. THE WITNESS: The closed
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1	Q. I think you said within the		BY MR. PIFKO:
	closed system, or something to that	2	Q. Well, you said that that's
	effect.		the legitimate one, the one you just
4	A. I thought I said	4	described, correct?
	distribution channel.	5	A. That's the you asked me
6	Q. We don't need to fight about	6	what the closed distribution was, and
	what you said or didn't say.	7	that's what the closed distribution is.
8	What I just want to know,	8	Q. And you understand that your
9	your do you have an understanding	9	duty to prevent diversion is to prevent
10	about what the closed system is under The	10	applicable controlled substances from
11	Controlled Substances Act?	11	exiting that system?
12	MR. NICHOLAS: Object to the	12	MR. NICHOLAS: Object to the
13	form.	13	form.
14	THE WITNESS: The closed	14	THE WITNESS: Our
15	system, as I've heard it referred	15	responsibility is to ensure that
16	to, is that the DEA sets the	16	we distribute FDA-approved drugs
17	quotas of how much product can be	17	from the that we maintain in
18	produced, then manufactured; those	18	our distribution centers to
19	products are transferred to the	19	licensed entities.
20	distributor through ARCOS, which	20	BY MR. PIFKO:
21	is maintained transferred to	21	Q. And what do you mean by
22	the distributor.	22	"licensed entities"?
23	And then the distributor	23	A. Pharmacies, hospitals, DEA
24	transfers to the pharmacy or the	24	registrants and State Board of Pharmacy
	, F,		6
	D 40		70 45
1	Page 43	1	Page 45
1 2	dispenser with an ARCOS		registrants.
2	dispenser with an ARCOS transaction, which closes the	2	registrants. Q. And you understand that
2 3	dispenser with an ARCOS transaction, which closes the distribution, as far as DEA	2	registrants. Q. And you understand that those registrants also have duties to
2 3 4	dispenser with an ARCOS transaction, which closes the distribution, as far as DEA tracking goes.	2 3 4	registrants. Q. And you understand that those registrants also have duties to maintain effective controls as well?
2 3 4 5	dispenser with an ARCOS transaction, which closes the distribution, as far as DEA tracking goes. BY MR. PIFKO:	2 3 4 5	registrants. Q. And you understand that those registrants also have duties to maintain effective controls as well? MR. NICHOLAS: Object to the
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2 3 4 5 6 7 8	dispenser with an ARCOS transaction, which closes the distribution, as far as DEA tracking goes. BY MR. PIFKO: Q. So there are legitimate channels of distribution within that system, correct?	2 3 4 5 6 7 8	registrants. Q. And you understand that those registrants also have duties to maintain effective controls as well? MR. NICHOLAS: Object to the form. THE WITNESS: They have their own regulations that they
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CIII ISCOPIIEI ZIIIIIIEI IIIa.	
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¹ of diversion?	Q. Well, it's your among the
² MR. NICHOLAS: Objection.	² responsibilities you have with the
Object to the form.	³ company, one of them is to manage the
THE WITNESS: As I stated,	⁴ company's efforts to maintain effective
⁵ diversion can be many different	⁵ controls against diversion, correct?
6 things. So I need some more	⁶ A. Correct.
7 clarification of what type of	⁷ Q. And so I understand that
⁸ diversion you're talking about.	⁸ maybe there might be several examples,
⁹ BY MR. PIFKO:	⁹ but I'd like to get your understanding of
Q. Let's make it specific to	¹⁰ the types of situations we're talking
¹¹ the issues in this case.	¹¹ about here.
So, again, you understand	So you talked about sale to
¹³ this case concerns opioid products,	¹³ an unlicensed
¹⁴ correct?	MR. NICHOLAS: I'm going
¹⁵ A. Correct.	to I want to interpose an
Q. And those are, for the most	objection. This is not coaching,
¹⁷ part, Schedule II substances under The	but the question is tremendously
¹⁸ Controlled Substances Act, correct?	¹⁸ broad.
¹⁹ A. Correct.	¹⁹ MR. PIFKO: You can say
Q. Okay. Can you give me an	broad as an objection.
²¹ example of what it means to have an	²¹ "Tremendously" is not necessary.
²² opioid product diverted, as we were	That's we're good here.
²³ talking about this under The Controlled	MR. NICHOLAS: Okay. Broad.
²⁴ Substances Act?	So I would ask you to narrow it.
Page 47	Page 49
Page 47 MR NICHOLAS: Object to the	Page 49 MR PIFKO: Your objection
¹ MR. NICHOLAS: Object to the	¹ MR. PIFKO: Your objection
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	CILLISCOPHEL ZIMMERMAN	.1	
1	Page 50 BY MR. PIFKO:	1	Page 5:
2		1	and I'll rephrase it. And we'll work
3	Q just an example of what	2	amough in But I would approvide Jour
4	diversion is.	4	testimony in responding to exactly the
5	MR. NICHOLAS: Hold on.	5	questions that I ask.
6	Let's stay on the record.	6	Do we have an agreement
7	You can't interrupt him when	7	about that?
8	he's answering the question.	8	MR. NICHOLAS: Objection.
9	MR. PIFKO: He needs to	9	Because he's been doing that.
10	answer the question asked. I	10	THE WITNESS: I'm trying to
	don't we're not going to have		answer your question, but you
11 12	speeches where he talks about	11	won't let me give my I did
	things that aren't asked.		state that there's a lot of
13	MR. NICHOLAS: You didn't	13	different areas where diversion
14	hear his answer. He said five	14	could occur.
15	words, and you interrupted him.	15	And you asked for a list of
16	MR. PIFKO: He said what we	16	them. I'm going to tell you how
17	do to prevent diversion. And	17	we prevent diversion and then from
18	that's not what I asked. I asked	18	that area, anywhere in there, a
19	what diversion is.	19	diversion can occur.
20	MR. NICHOLAS: Those were	20	And that's how I was going
21	his first five words. You're	21	to answer the question.
22	going to have to let him answer	22	So we first have physical
23	the question.	23	security controls to prevent
24	You're going to have to	24	diversion; we have cages and
	Page 51		Page 5
1	let you ask a question, the	1	vaults that are required by the
2	witness is then entitled to say	2	CFR.
3	what he wants in answering the	3	We have we do background
4	question.	4	checks on our employees. We do
5	MR. PIFKO: He's not	5	due diligence of our customers to
6	entitled to say anything he wants,	6	ensure that they're licensed and
7	he's entitled to answer the	7	in good standing with the DEA and
8	question.	8	Boards of Pharmacy.
9	MR. NICHOLAS: No, he's	9	So there's a whole host of
10	entitled to say what he wants	10	things that we do within the as
11	what he believes is answering the	11	a licensed distributor, to prevent
12	question, and then you can ask	12	diversion.
13	another question. So don't	13	If we weren't doing those
14	interrupt him again, please.	14	things, diversion could occur at
15	BY MR. PIFKO:	15	any one of those steps. So if we
16	Q. I'm sure that in preparing	16	didn't
17	for this deposition, your counsel told	17	BY MR. PIFKO:
	you to listen to the question. So I want	18	Q. That's not the question I
18		19	asked. I asked you to give examples of
18	you to be very careful and listen to the questions that I ask, okay?	20	diversion. You're giving me examples of
18 19	you to be very careful and listen to the questions that I ask, okay?		• • •
18 19 20	you to be very careful and listen to the	20	diversion. You're giving me examples of prevention of diversion and that's not
18 19 20 21	you to be very careful and listen to the questions that I ask, okay? Do you understand that?	20 21	diversion. You're giving me examples of

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Page 54	Page 56
Q. We'll go through it we'll	¹ the pharmacy.
² go through it again.	² BY MR. PIFKO:
³ So let's talk about	³ Q. Do you understand why we
⁴ diversion of a Schedule II controlled	⁴ want to prevent these diversion
⁵ substance at a pharmacy.	⁵ activities to occur?
⁶ Can you explain what	6 MR. NICHOLAS: Object to the
⁷ potential areas of diversion are in that	⁷ form. Asked and answered.
8 context?	8 THE WITNESS: When you say
9 MR. NICHOLAS: Object to the	⁹ "we," I'm not understanding your
¹⁰ form.	question of who is the "we."
THE WITNESS: I'm not	¹¹ BY MR. PIFKO:
responsible for the diversion that	Q. We're all Americans here,
occurs within a pharmacy. If a	¹³ and the law is a law of the American
pharmacy has is filling	¹⁴ jurisprudence, and it's requiring that.
prescriptions that are invalid or	¹⁵ And so when I say "we," I mean the people
if a pharmacy is selling	¹⁶ of the United States.
prescriptions not	So the question is, do you
prescriptions or diverting	¹⁸ understand why, when enacting that law,
drugs out the back door, you know,	19 we want to prevent diversion in the way
I have no eyes to that.	²⁰ we just described?
21 BY MR. PIFKO:	MR. NICHOLAS: Well, I'll
Q. Okay. But those are some	object to the form of that
23 examples of a pharmacy filling	question.
prescriptions or selling controlled	THE WITNESS: That's why
Page 55	Page 57
Page 55 1 substances without a valid prescription	Page 57 there's DEA regulations, because
¹ substances without a valid prescription,	there's DEA regulations, because
 substances without a valid prescription, that would be a diversion, correct? 	there's DEA regulations, because of the to prevent diversion.
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	Page 58		Page 60
1	MR. NICHOLAS: Object to the	1	Q. I'm going to give you an
2	form.	2	opportunity to speak.
3	THE WITNESS: I'm I'm not	3	But what I'm hearing and
4	understanding your question.	4	so you correct me if I'm wrong, but what
5	If there's diversion of the	1	I'm hearing from you is that
6	product, that's as I indicated,		AmerisourceBergen Corporation has zero
7	that's against the regulations.	7	
8	That's a bad thing.	8	diversion under The Controlled Substances
9	BY MR. PIFKO:	9	Act?
10	Q. What I'm trying to	10	MR. NICHOLAS: I'll object
11	understand is, these are situations that	11	to the form of the question.
12	the regulations are designed to prevent	12	That's a false statement.
13	from occurring, correct?	13	THE WITNESS: That's not
14	A. Yes.	14	what I'm saying.
15	Q. And I'm trying to understand	15	BY MR. PIFKO:
16	why is it that we would have regulations	16	Q. The jury is watching the
17	to prevent these things from occurring.	17	
18	Do you have an understanding	18	because that's what I'm seeing.
19	of that?	19	MR. NICHOLAS: You don't
20		20	
21	MR. NICHOLAS: I'll object to the form.	21	need to grandstand with references
22		22	to the jury
23	THE WITNESS: It's the same	23	MR. PIFKO: And I
24	reason why we have regulations for	24	MR. NICHOLAS: just ask
24	the approval of the drugs, of how	24	the questions.
- 1			
	Page 59		Page 61
1	Page 59 you store and manage the drugs and	1	Page 61 BY MR. PIFKO:
1 2	_	1 2	BY MR. PIFKO:
	you store and manage the drugs and	2	BY MR. PIFKO: Q. I genuinely would like a
2	you store and manage the drugs and how you know, that's the basis	3	BY MR. PIFKO: Q. I genuinely would like a response. And I'm sure that you can
2	you store and manage the drugs and how you know, that's the basis of our system. BY MR. PIFKO:	3 4	BY MR. PIFKO: Q. I genuinely would like a response. And I'm sure that you can provide an answer. I'm trying to get
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	Page 62		Page 64
1	answered the question, and I	1	Q. We'll establish
2	your understanding or your	2	MR. NICHOLAS: Hold on.
3	statement that we don't have any	3	BY MR. PIFKO:
4	other intent other than following	4	Q we're going to establish
5	the regulations is incorrect.	5	that later.
6	I mean, there's rules and	6	MR. NICHOLAS: I'm going to
7	regulations in place for the	7	object to that and move to strike
8	proper manufacture, distribution,	8	the mischaracterization and the
9	dispensing of, in this case,	9	inappropriate characterization
10	controlled substances.	10	slander in the testimony.
11	And that's because these	11	Proceed, but please don't
12	items, the opioids, you said, have	12	MR. PIFKO: I
13	a potential for abuse. So you	13	MR. NICHOLAS: Please don't
14	have to have additional	14	tell him he's making false
15	requirements to make sure you're	15	statements.
16	handling them properly.	16	BY MR. PIFKO:
17	And each registrant in the	17	Q. I think we were getting
18	channel has a responsibility. ABC	18	closer there when you said we want to
19	has our responsibilities. We take	19	prevent diversion because these drugs
20	them very seriously. We make sure	20	have a potential for high abuse.
21	we only buy them from	21	You said that, correct?
22	manufacturers. We store them	22	MR. NICHOLAS: Object to the
23	properly. We make sure they're	23	form.
24	checked, double-checked,	24	Go ahead.
	Page 63		Page 65
1	triple-checked. We make sure	1	THE WITNESS: Again, I
2	they're stored appropriately in	2	don't we, as distributors,
3	cages and vaults. We vet our	3	don't don't identify what drugs
4	employees. We train our	4	are have high abuse. That's
5	employees. We vet our customers.	5	done by DEA and FDA.
6	And we take it very	6	We have a we are a
7	seriously. So we only distribute	7	distributor, we have our
8	products to those pharmacies and	8	requirements that we must follow
9	dispensers and hospitals that are	9	to protect those drugs while
10	in good standing with DEA and the	10	they're under our control. And we
11	Board of Pharmacy. So we adhere	11	take that very seriously and we do
12	to our requirements.	12	that.
13	Those drugs aren't diverted	13	I'm not understanding what
14	while they're under our control.	14	more you want from me, other than
15	I don't know how much more clearly	15	our regulatory and our obligations
16	I can state that.	16	to protect and ensure those drugs
17	BY MR. PIFKO:	17	are not diverted while under our
18	Q. We'll get into that later.	18	control.
19	There's a lot of misstatements in your	19	BY MR. PIFKO:
20	thing, but we don't have to argue about	20	Q. And you want to ensure that
21	that.	21	they're not diverted while they're under
22	MR. NICHOLAS: I'll object	22	your control because they have a high
23	to that and	23	potential whether you said it or
24	BY MR. PIFKO:	1	not because they have a high potential
			V U 1

	Page 66		Page 68
1	for abuse under the system; is that	1	have an understanding that you're
2	correct?	2	required to prevent diversion of opioid
3	MR. NICHOLAS: Object to the	3	products to protect the public health?
4	form of the question.	4	MR. NICHOLAS: Objection.
5	THE WITNESS: Because they	5	The witness is not required to
6	are a controlled substance and	6	answer yes or no. And he has
7	because they're a prescription	7	answered the question.
8	product.	8	THE WITNESS: And I I
9	We treat our prescription	9	I think I stated what our
10	drugs with the same manner as the	10	obligations are under the
11	opioids. I mean, we have	11	requirements.
12	additional controls, depending	12	BY MR. PIFKO:
13	upon whether it's Schedule II or	13	Q. I'm not asking what your
14	III through IV, whether they're in		obligations are under the requirements.
15	•	15	-
16	a vault or a cage.	16	I'm asking you if the
17	But we protect all the	17	company understands that the reason for
18	product, we prevent diversion from		preventing diversion of opioid products
	all products.	18	is, in part, to protect public health?
19	BY MR. PIFKO:	19	MR. NICHOLAS: I'll object
20	Q. Do you have an understanding	20	to the form of the question. And
21	that we want to prevent the amawran	21	add as a basis at this point that
22	distribution of opioids to protect the	22	I don't believe any of this is
	public health?	23	covered in any of the topics of
24	MR. NICHOLAS: Objection.	24	your 30(b)(6) notice.
1			
	Page 67		Page 69
1	Page 67 Object to the form.	1	Page 69 So we're way far afield
1 2	Object to the form.	1 2	
	_		So we're way far afield
2	Object to the form. THE WITNESS: Can you state	2	So we're way far afield here.
2	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO:	2 3	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what
2 3 4 5	Object to the form. THE WITNESS: Can you state that question again, please?	2 3 4 5	So we're way far afield here. THE WITNESS: And I'm not
2 3 4 5	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion	2 3 4 5	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health.
2 3 4 5 6	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion	2 3 4 5 6	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about
2 3 4 5 6 7	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion of opioid products to protect the public health?	2 3 4 5 6 7	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about whether you have a duty to protect public
2 3 4 5 6 7 8	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion of opioid products to protect the public	2 3 4 5 6 7 8	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about whether you have a duty to protect public health? Is that your answer?
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2 3 4 5 6 7 8 9 10	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion of opioid products to protect the public health? MR. NICHOLAS: Object to the form. THE WITNESS: I understand that we have an obligation to have	2 3 4 5 6 7 8 9 10	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about whether you have a duty to protect public health? Is that your answer? A. We have a duty to have
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2 3 4 5 6 7 8 9 10 11 12 13	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion of opioid products to protect the public health? MR. NICHOLAS: Object to the form. THE WITNESS: I understand that we have an obligation to have effective controls to prevent diversion because of our	2 3 4 5 6 7 8 9 10 11 12 13	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about whether you have a duty to protect public health? Is that your answer? A. We have a duty to have effective controls to prevent diversion as the products are within our distribution channel. And we have a duty to ensure
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion of opioid products to protect the public health? MR. NICHOLAS: Object to the form. THE WITNESS: I understand that we have an obligation to have effective controls to prevent diversion because of our regulatory responsibilities and duties. And that's what we implement. I'm not here to comment on BY MR. PIFKO:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about whether you have a duty to protect public health? Is that your answer? A. We have a duty to have effective controls to prevent diversion as the products are within our distribution channel. And we have a duty to ensure that we only sell products to licensed pharmacies and dispensers and hospitals. And that is our duty. Q. In carrying out your duty to prevent diversion, does AmerisourceBergen consider the impact on the public?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion of opioid products to protect the public health? MR. NICHOLAS: Object to the form. THE WITNESS: I understand that we have an obligation to have effective controls to prevent diversion because of our regulatory responsibilities and duties. And that's what we implement. I'm not here to comment on BY MR. PIFKO: Q. That's not you can answer	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about whether you have a duty to protect public health? Is that your answer? A. We have a duty to have effective controls to prevent diversion as the products are within our distribution channel. And we have a duty to ensure that we only sell products to licensed pharmacies and dispensers and hospitals. And that is our duty. Q. In carrying out your duty to prevent diversion, does AmerisourceBergen consider the impact on the public? MR. NICHOLAS: Object to the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Object to the form. THE WITNESS: Can you state that question again, please? BY MR. PIFKO: Q. Do you have an understanding that you're required to prevent diversion of opioid products to protect the public health? MR. NICHOLAS: Object to the form. THE WITNESS: I understand that we have an obligation to have effective controls to prevent diversion because of our regulatory responsibilities and duties. And that's what we implement. I'm not here to comment on BY MR. PIFKO: Q. That's not you can answer	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	So we're way far afield here. THE WITNESS: And I'm not I don't want to comment on what our duty is to public health. BY MR. PIFKO: Q. So you have no comment about whether you have a duty to protect public health? Is that your answer? A. We have a duty to have effective controls to prevent diversion as the products are within our distribution channel. And we have a duty to ensure that we only sell products to licensed pharmacies and dispensers and hospitals. And that is our duty. Q. In carrying out your duty to prevent diversion, does AmerisourceBergen consider the impact on the public? MR. NICHOLAS: Object to the

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	Page 70		Page 72
1	question many, many times. And	1	answer to a question that's not being
2	it's been answered.	2	asked. Let's start over here.
3	THE WITNESS: I think I said	3	I'm trying to ask, does
4	what I feel our duty is, to ensure	4	AmerisourceBergen consider public health
5	we have proper controls to prevent	5	when it's carrying out its duty to
6	diversion while the drugs are	6	prevent diversion?
7	within our control.	7	MR. NICHOLAS: Object to the
8	BY MR. PIFKO:	8	form of the question. Asked and
9	Q. You're not answering the	9	answered. Outside the scope of
10	question. I didn't ask you what your	10	the notice.
11	duty was.	11	THE WITNESS: We consider
12	I asked you if, in carrying	12	our responsibilities that we're
13	out your duty, does AmerisourceBergen	13	obligated to follow to ensure that
14	consider the impact on the public?	14	products are handled
15	MR. NICHOLAS: Object to the	15	appropriately, safely and securely
16		16	within the supply channel under
17	<u> </u>	17	our control.
18	times. I suggest that we move on.	18	BY MR. PIFKO:
19		19	Q. Is public health one of
20	answered the question.	20	those considerations?
21	BY MR. PIFKO:	21	MR. NICHOLAS: Object to the
22	Q. You haven't. It's very	22	form of the question. Come on.
23	clear, you have not answered the	23	THE WITNESS: It's not
	question.	24	something that our
	Page 71		Page 73
1	-	1	consideration is how we who we
2	· ·	2	purchase the products from, how we
3	5	3	store the products and who we
4		4	distribute those products to.
5	I've	5	We don't have any effect on
6		6	the public health through
7	MIK. INICITOLING. THEICS HO	7	prescriptions that are being
8	question pending.	8	written, the pharmacies that are
9	the question and we haven't had an	9	filling them. We have no control
10	answer. I've been trying to ask	10	over that.
11	• •	11	Our responsibility is, in
12		12	the supply chain, is to ensure
13	THE WITNESS. And I've	13	that we buy FDA-approved drugs, we
14	answered	14	keep them securely and we give
15	MIK. I II IKO. TING I SUII	15	them to those that dispense those
16	naven i gotten an answer	16	drugs.
17		17	And the duty that they have,
18	responsibilities are.	18	I'm not going to comment on it.
19	BY MR. PIFKO:	19	And I think I've answered
20		20	
21	Q. Thi not asking you out	21	what our responsibility is within the supply chain.
1		22	BY MR. PIFKO:
2.2			
22	A. That's my answer.		
23	A. That's my answer.	23	Q. And I'm not trying to put answers in your mouth. I'm trying to

	CHITISCOPHET ZIMMETMAI	.1	
	Page 74	,	Page 76
	understand what your answer is.	1	selling to the public.
2	A. But that's my answer.	2	So, again, you're asking me
3	Q. But my question is, is	3	a question that doesn't apply on
4	public health one of those	4	the distribution side, because
5	considerations? Is it or isn't it?	5	we're selling it
6	You just tell me. I'm	6	BY MR. PIFKO:
7	not you say whatever answer you want	7	Q. I'm not asking about
8	to say.	8	compliance.
9	MR. NICHOLAS: He's answered	9	MR. NICHOLAS: You're
10	the question many, many times.	10	interrupting the witness.
11	You keep asking him the same	11	THE WITNESS: We're buying
12	question over and over.	12	it from the manufacturer and we're
13	MR. PIFKO: He's not	13	selling it we're selling it to
14	answering the question.	14	a pharmacy or hospital that has
15	MR. NICHOLAS: I'll object.	15	obligations of who they dispense
16	MR. PIFKO: You can object,	16	those to and what prescriptions
17	but he's not answering.	17	they fill.
18	MR. NICHOLAS: I'm	18	We're in the middle of the
19	objecting. You're saying he's not	19	chain. The public health, we
20	answering the question and I'm	20	don't deal with the public health.
21	saying he is and he says he is.	21	-
22	THE WITNESS: I mean, I can	22	Q. So you don't think about the
23	restate that again.	23	public health in carrying out your role
24	BY MR. PIFKO:	1	in the distribution chain, correct?
			,
1	Page 75	1	Page 77
	Q. Well, I'll represent to you,	2	MR. NICHOLAS: Object to the
2	Journal of the same time work production	3	form of the question.
3	once when you've talked about what	4	THE WITNESS: I've answered
	considerations come into	5	the question several times. I
	AmerisourceBergen's factors when they're		think I've made it clear what our
6	complying with the statutes.	6	role is in the distribution
	So I understand from that	7	DI MIK. THIKO.
8	that public health is not one of those	8	Q. I didn't ask you what your
10	considerations. Is my understanding	9	role is. That's not the question.
10	correct?	10	Tou ve got to unswer the question.
11	MR. NICHOLAS: Objection.	11	A. I did answer the question.
12	Object to the form of the	12	Q. Do you consider public
13	question. You're just bullying	13	health when you're carrying out your
14	the witness.	14	duties under the statute, under The
15	THE WITNESS: Our role	15	Controlled Substances Act?
16	within the supply chain is from	16	MR. NICHOLAS: Objection.
17	the manufacturer to	17	I'm going to suggest that the
18	the dispenser	18	witness does not have to answer
19	BY MR. PIFKO:	19	this question for the millionth
20	Q. I'm not asking what your	20	time.
	role is.	21	MR. PIFKO: He's not. This
	MR. NICHOLAS: Don't	22	is a yes-or-no question.
22			
23	interrupt him, please.	23	MR. NICHOLAS: No, it's not
		23 24	

	_		
	Page 78		Page 80
1	MR. PIFKO: It is.		question. We can I guess we can go
2	MR. NICHOLAS: He does not		back-and-forth here for a while, but we
3	have to answer any question yes or	3	aren't we do not distribute to the
4	no. He's answering the question	4	public. We distribute
5	the way he sees fit.	5	Q. I didn't ask you if you
6	BY MR. PIFKO:	6	distribute to the public.
7	Q. Do you consider public	7	A. I know. I'm explaining
8	health when you're carrying out your	8	MR. NICHOLAS: You're asking
9	duties under The Controlled Substances	9	about public health. He's
10	Act?	10	describing the public.
11	MR. NICHOLAS: Asked and	11	THE WITNESS: I'm
12	answered. Same objections.	12	explaining we don't sell the
13	THE WITNESS: I mean, I	13	public health we don't sell to
14	am	14	the public. We sell to the
15	BY MR. PIFKO:	15	pharmacies who dispense
16	Q. It's a yes-or-no question.	16	prescriptions written by doctors.
17	A. It's not a yes-or-no	17	And we buy from manufacturers.
18	question.	18	We aren't we do not
19	Q. It is.	19	distribute to the public health.
20	A. I've explained it to you,	20	And you're asking me a question
21	-	21	BY MR. PIFKO:
22	we fit in the supply channel.	22	Q. I didn't ask you if you
23	Q. I didn't ask where you fit	23	distribute to the public health.
24	in the supply channel.	24	When you carry out your
- 1			D 01
	Page 79	1	Page 81
1	A. I know, but	1	duties to maintain effective controls,
2	A. I know, but MR. PIFKO: We're going to	2	duties to maintain effective controls, I'm asking if you consider the impact of
2 3	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure	3	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out
3 4	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship.	3 4	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties?
2 3 4 5	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him,	2 3 4 5	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and
2 3 4 5 6	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration	2 3 4 5 6	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties.
2 3 4 5 6 7	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the	2 3 4 5 6	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider.
2 3 4 5 6 7 8	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the statute? And he won't answer.	2 3 4 5 6 7 8	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider. However you want to phrase
2 3 4 5 6 7 8	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the statute? And he won't answer. He's telling me what his duties	2 3 4 5 6 7 8	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider. However you want to phrase it, we can again, we can discuss this
2 3 4 5 6 7 8 9	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the statute? And he won't answer. He's telling me what his duties are. I'm not asking. It's a	2 3 4 5 6 7 8 9	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider. However you want to phrase it, we can again, we can discuss this for however long you want to spend on
2 3 4 5 6 7 8 9 10	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the statute? And he won't answer. He's telling me what his duties are. I'm not asking. It's a yes-or-no question.	2 3 4 5 6 7 8 9 10	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider. However you want to phrase it, we can again, we can discuss this for however long you want to spend on this. But I think I'm being responsive
2 3 4 5 6 7 8 9 10 11	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the statute? And he won't answer. He's telling me what his duties are. I'm not asking. It's a yes-or-no question. MR. NICHOLAS: He's answered	2 3 4 5 6 7 8 9 10 11	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider. However you want to phrase it, we can again, we can discuss this for however long you want to spend on this. But I think I'm being responsive to your question. I think I've explained
2 3 4 5 6 7 8 9 10 11 12 13	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the statute? And he won't answer. He's telling me what his duties are. I'm not asking. It's a yes-or-no question. MR. NICHOLAS: He's answered many, many times.	2 3 4 5 6 7 8 9 10 11 12 13	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider. However you want to phrase it, we can again, we can discuss this for however long you want to spend on this. But I think I'm being responsive to your question. I think I've explained it clearly. And it's not the answer you
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I know, but MR. PIFKO: We're going to call Cohen, because this is pure gamesmanship. You know, sir, I asked him, is public health a consideration in your compliance with the statute? And he won't answer. He's telling me what his duties are. I'm not asking. It's a yes-or-no question. MR. NICHOLAS: He's answered many, many times. MR. PIFKO: The court is not going to appreciate answers like this, okay? It's a plain-and-simple situation. BY MR. PIFKO: Q. I'm asking you, does public health play into your considerations when you're carrying out your duties under The Controlled Substances Act?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	duties to maintain effective controls, I'm asking if you consider the impact of them on public health when you carry out your duties? A. We consider the duties and we ensure that we follow those duties. And that's what we consider. However you want to phrase it, we can again, we can discuss this for however long you want to spend on this. But I think I'm being responsive to your question. I think I've explained it clearly. And it's not the answer you might want. But I'm just trying to Q. But you're not answering I don't care. You can say yes or no. I don't care what your answer is. You've just you've got to say whether public health is a consideration of the company when it's carrying out its duties under The

	Christopher Zimmerman	. 1	(Americal Coder gen)
	Page 82		Page 84
1	A. And I answered the question.	1	MR. NICHOLAS: I agree time
2	Q. You didn't.	2	is being wasted by you.
3	A. I did answer the question.	3	BY MR. PIFKO:
4	Q. You never once said that	4	Q for clarity, the question
5	AmerisourceBergen considers public	5	being asked to you: In carrying out its
6	health	6	duties to prevent diversion of Control II
7	A. And I explained	7	substances under the controlled schedules
8	Q when carrying out its	8	act under The Controlled Substances
9	duties.	9	Act, does AmerisourceBergen consider the
10	A. I explained our process and	10	impact on the public health?
11	I explained what we take into	11	MR. NICHOLAS: Object to the
12	consideration, where we are within the	12	form. All my same objections.
13	supply chain.	13	THE WITNESS: Again, we
14	Q. And you agree that public	14	ensure that we have products that
15	health isn't one of those things?	15	we distribute to the pharmacies
16	MR. NICHOLAS: That is not	16	that are made available to the
17	what he said. But you're just	17	pharmacies to be able to dispense
18	arguing. I mean, why are you	18	to the public.
19	arguing? Why don't you just ask	19	I'm not sure you're
20	him	20	asking me a question that I've
21	MR. PIFKO: I'm trying to	21	answered several times, given
22	get your answer to the question.	22	where we fit in the supply
23	MR. NICHOLAS: You have a	23	channel, given our
24	30(b)(6) notice with topics.	24	responsibilities. And as the head
			-
	Page 83		Page 85
1	MR. PIFKO: And he's burning	1	of that department, my job is
2	the time. We've burned 20 minutes	2	my what we consider is we
3	here.	3	consider that those products are
4	MR. NICHOLAS: You're	4	handled appropriately and
5	burning the time. It's Topics A	5	distributed in an appropriate
6	through N. You haven't started on	6	manner to the licensed entities
7	a single topic. And you haven't	7	that we sell to.
8	asked him shown him a single	8	And, you know
9	document.	9	BY MR. PIFKO:
10	So who is burning the time?	10	Q. Is the impact
11	MR. PIFKO: I'm going to ask	11	A. That's the answer.
12	the question one more time. And	12	Q on the public health one
13	if I don't get an answer, we're	13	of those considerations?
14	going to go and we're going to	14	MR. NICHOLAS: Object to the
15	call the court and we're going to	15	form.
16	discuss your evasive answers here.	16	THE WITNESS: The impact on
17	Because we're not going to be	17	the public health is is the
18	doing this all day. And this	18	whole supply channel.
19	whole last 20 minutes does not	19	You're asking me a question
20	count towards my time on this	20	that we don't interface with the
21	deposition, because you're just	21	public. You're asking me that
22	wasting everyone's time here.	22	we interface with the pharmacy and
23	BY MR. PIFKO:	23	the dispenser and we only have our
24	Q. So again for clarity	24	obligations. And our
1	· · · · · · · · · · · · · · · · · · ·		-

Page 86 Page 88 1 understanding and our part in the A. I did. We consider --2 supply channel is in that -- in O. Am I correct that 3 ³ AmerisourceBergen does not consider the that realm. public health when carrying out its We aren't in the realm of 5 duties to prevent diversion under The the patient that's coming in or 6 the doctor writing the Controlled Substances Act? 7 prescription or what MR. NICHOLAS: Object to the 8 8 considerations they take before form. 9 they write a prescription. We 9 THE WITNESS: We consider 10 aren't involved in any of that, 10 the -- we consider that pharmacies 11 and nor should we be. 11 have product accessible to fill 12 12 We're responsible for making the patients' prescriptions. 13 sure the product gets from the 13 However you want to interpret manufacturer to the pharmacy. And 14 that, that's up to you. 14 15 15 we have an obligation, if there's But that is -- the answer 16 a suspicious order, to report it. 16 is, our consideration is making 17 17 We're not -- we don't have sure drugs are available. If that 18 an obligation to vet doctors and 18 means taking into consideration 19 19 understand patient/doctor the public safety -- or whatever 20 relationships and all these other 20 the -- what you're hammering on 21 21 areas. That's not our role in the here, what is the question? 22 ²² BY MR. PIFKO: supply chain. 23 23 Q. Public health. BY MR. PIFKO: 24 24 Q. So you don't consider public Public health. Page 87 Page 89 ¹ health when you're carrying out your role We make sure we have in the supply chain; is that correct? ² products available that are safe and MR. NICHOLAS: Object to the ³ secure to supply to the pharmacies. If ⁴ that means that's considering public 4 form of the question. You're 5 mischaracterizing --⁵ health, then that's your interpretation. mischaracterizing testimony. But to say that we don't 6 ⁷ have any -- that I haven't answered the 7 THE WITNESS: I think I've question, I don't think that's correct. 8 answered the question. 9 BY MR. PIFKO: Q. How about, you're talking 10 Q. I asked you a question. about supplying a prescription, a valid 11 You don't consider public prescription. health when you're carrying out your role How about, does in the supply chain; is that correct? AmerisourceBergen consider the public 14 health when trying to prevent Control II MR. NICHOLAS: Object to the 15 form of the question. All the substances from getting into illegal 16 16 hands? same reasons. 17 17 THE WITNESS: I think I've MR. NICHOLAS: Same 18 18 answered -- I've answered the objection. 19 19 question. I mean --THE WITNESS: It's the same 20 BY MR. PIFKO: question. It's the same answer as 21 Q. Answer that question, 21 the last question. 22 22 BY MR. PIFKO: please. 23 23 Q. What's your answer? A. I did answer that question. 24 24 Q. You have not. MR. NICHOLAS: Same

	Page 90		Page 92
1	objection.	1	regulatory responsibilities of who
2	THE WITNESS: We adhere to	2	we distribute products to.
3	our regulatory requirements within	3	We can only control what we
4	the confines of a distributor.	4	can control. We can only control
5	And whether that's the	5	who we sell drugs to. And we
6	consideration of our	6	consider the impact to ensure that
7	requirements I mean, that's	7	we only sell to licensed
8	that is our role. And that is	8	registrants. And that's the
9	what we consider.	9	consideration we make and that's
10	We want to make sure that we	10	our obligation under the
11	only buy from appropriate sources,	11	regulations.
12	store correctly, and we only sell	12	BY MR. PIFKO:
13	to legitimate sources.	13	Q. Does AmerisourceBergen
14	BY MR. PIFKO:	14	believe it has a responsibility to
15	Q. We talked about how Schedule	15	protect people in the communities it
16	II substances have a high potential for	16	serves from falling victim to abuse of
17	abuse, correct?	17	Schedule II substances?
18	A. They are Schedule II drugs,	18	MR. NICHOLAS: Object to the
19	yes.	19	form. It is not an appropriate
20	Q. And the statute says that	20	question in this deposition. It's
21	Schedule II substances have a high	21	outside the scope of the 30(b)(6)
1	potential for abuse, correct?	22	notice.
23	A. That's why they're Schedule	23	THE WITNESS:
	II, correct.	24	AmerisourceBergen has its
	·		Amensourced eigen has its
	Page 91		Page 93
1	Q. Does AmerisourceBergen	1	Page 93 obligation to ensure that I
1 2	_	1 2	_
2	Q. Does AmerisourceBergen		obligation to ensure that I
2 3 4	Q. Does AmerisourceBergen consider the impact on the communities it	2	obligation to ensure that I mean, you're asking the same
2	Q. Does AmerisourceBergen consider the impact on the communities it serves if these Schedule II substances	2	obligation to ensure that I mean, you're asking the same question, and the answer is the
2 3 4	Q. Does AmerisourceBergen consider the impact on the communities it serves if these Schedule II substances get into the wrong hands?	2 3 4 5	obligation to ensure that I mean, you're asking the same question, and the answer is the same.
2 3 4 5	Q. Does AmerisourceBergen consider the impact on the communities it serves if these Schedule II substances get into the wrong hands? MR. NICHOLAS: Object to the	2 3 4 5	obligation to ensure that I mean, you're asking the same question, and the answer is the same. We have regulatory
2 3 4 5 6	Q. Does AmerisourceBergen consider the impact on the communities it serves if these Schedule II substances get into the wrong hands? MR. NICHOLAS: Object to the form. Outside the scope of the	2 3 4 5	obligation to ensure that I mean, you're asking the same question, and the answer is the same. We have regulatory responsibilities that are imposed
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Does AmerisourceBergen consider the impact on the communities it serves if these Schedule II substances get into the wrong hands? MR. NICHOLAS: Object to the form. Outside the scope of the 30(b)(6) notice as well. THE WITNESS: Can you restate your question? MR. PIFKO: Can you read back the question, please? (Whereupon, the court reporter read the following part of the record: "Question: Does AmerisourceBergen consider the impact on the communities it serves if these Schedule II substances get into the wrong	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	obligation to ensure that I mean, you're asking the same question, and the answer is the same. We have regulatory responsibilities that are imposed on the distributor that we must adhere to in order to prevent diversion, which we do diligently. And we ensure that the customers that we sell to are appropriately licensed and that while those drugs are under our control. That's what we take into consideration and that's what we do diligently. BY MR. PIFKO: Q. So does the company consider the adverse impacts of substances that it sells in the communities that it sells? A. Our duty is not to determine

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¹ don't put them into classifica	ations. We	1 (opioid products at issue in this
² don't prescribe the drugs. A	and we don't	2]	litigation can be dangerous?
³ dispense the drugs.		3	MR. NICHOLAS: Object to the
4 All we do is make s	ure we	4	form.
⁵ buy the drugs that are ordere	ed from our	5	THE WITNESS: They're
⁶ licensed customers, FDA an	d DEA-approved	6	Schedule by Schedule II, they
⁷ drugs, and we distribute to t	hem and make	7	are that, by itself, identifies
8 sure that they have the appro		8	them as such.
⁹ schedules.		9]	BY MR. PIFKO:
10 We have nothing to	do with	10	Q. And because they're highly
11 the approval of drugs. We h		11 ;	addictive, right?
12 nowhere in our scope do we	I	12	MR. NICHOLAS: Object to the
13 responsibility, nor should w		13	form. This is outside the scope
MR. PIFKO: We're		14	of the 30(b)(6).
15 take a break.		15	Are you now I do want to
VIDEO TECHNICI	IAN: Going off	16	start making it very clear on the
the record. The time is		17	record when we're on in
18 a.m.	1	18	30(b)(6) and when we're not. I
19	1	19	understand he's also testifying as
(Whereupon, a brief	f recess 2	20	an individual.
was taken.)	I	21	Can we be clear that this
22	2	22	line of questioning, for example,
VIDEO TECHNICI	IAN: We're	23	is outside the scope of the
back on record. The tin	ne is 10:35	24	30(b)(6) notice?
	Page 95		Page 97
1 a.m.	1 1190 > 0	1	MR. PIFKO: You can object
² BY MR. PIFKO:		2	to scope, and we can fight about
³ Q. One little housekee	ening	3	it later. I don't think we're
4 thing we forgot to talk about	1 0	4	going to agree on the record about
⁵ I'm sure your counsel discus	_	5	what's part of it or not.
⁶ you before your when you		6	MR. NICHOLAS: Well, okay.
⁷ preparing for the deposition		7	Then I'll just have to keep saying
8 But one of the rules		8	the objection all the time.
⁹ jurisdiction where we're in i	s that	9	Object to the scope.
10 you're not allowed to confer	I	10	Would you mind if I ask
11 substance of your testimony		11	you
¹² breaks.		12	MR. PIFKO: Let's just ask
Do you understand to	that?	13	the question over again.
_ J J J J J J J J J J J J J J J J J J J		1 /	1
14 A. Yes.	-	14	MR. NICHOLAS: can you
14 A. Yes.		15	MR. NICHOLAS: can you identify the section?
A. Yes. Q. During the last bre	ak, did		identify the section?
14 A. Yes.	ak, did about the	15	•
A. Yes. Q. During the last bre you confer with your counse	eak, did el about the ?	15 16 17	identify the section? MR. PIFKO: I'm not going to
A. Yes. During the last bre you confer with your counse substance of your testimony	eak, did el about the 7?	15 16 17	identify the section? MR. PIFKO: I'm not going to get into that right now. BY MR. PIFKO:
A. Yes. Q. During the last bre you confer with your counse substance of your testimony A. No. Q. Do we have an agr	rak, did el about the r? 1 reement that	15 16 17 18]	identify the section? MR. PIFKO: I'm not going to get into that right now. BY MR. PIFKO: Q. I'm going to ask you the
A. Yes. Q. During the last bre you confer with your counse substance of your testimony A. No. Q. Do we have an agr	reement that ping to be	15 16 17 18] 19	identify the section? MR. PIFKO: I'm not going to get into that right now. BY MR. PIFKO:
A. Yes. Q. During the last bre you confer with your counse substance of your testimony A. No. Q. Do we have an agr going forward, you're not go	reement that pring to be	15 16 17 18] 19	identify the section? MR. PIFKO: I'm not going to get into that right now. BY MR. PIFKO: Q. I'm going to ask you the question again, sir, so we have a clear
A. Yes. Q. During the last bre you confer with your counse substance of your testimony A. No. Q. Do we have an agr going forward, you're not go doing that during any break	reement that ping to be ?	15 16 17 18] 19 20 (identify the section? MR. PIFKO: I'm not going to get into that right now. BY MR. PIFKO: Q. I'm going to ask you the question again, sir, so we have a clear record.

	Christopher Zimmerman		_
	Page 98		Page 100
1	you identify, if you consider this	1	is.
2	to be within the 30(b)(6) notice,	2	BY MR. PIFKO:
3	tell us which topic we're within.	3	Q. We agree that they're
4	MR. PIFKO: Understood. We	4	Schedule II?
5	can meet and confer about that	5	A. Correct.
6	after the deposition.	6	Q. And we agree that a Schedule
7	MR. NICHOLAS: After the	7	II product has been classified by the
8	deposition is too late. The	8	United States government as highly
9	deposition will be over. But,	9	addictive, agreed?
10	okay. I've made my request for	10	A. High potential of abuse. I
11	the record.	11	don't know you're saying "addictive."
12	BY MR. PIFKO:	1	I know the regulatory requirement is
13	Q. So sorry. Let's start over	13	· · · · · ·
14	with that.	14	Q. Do you have an understanding
15	You testified that the	15	that a product that has a high potential
16	controlled substances at issue in this	1	for abuse can be dangerous to people
17	litigation, the opioid products, are	17	taking it?
18	can be potentially dangerous because	18	MR. NICHOLAS: Object to the
19	they're Schedule II and they are highly	19	form. Outside the scope of the
20	addictive, correct?	20	notice.
21	MR. NICHOLAS: Object to the	21	THE WITNESS: I'm not I'm
22	form.	22	not a medical doctor. I can't
23	Go ahead.	23	comment on that.
24	THE WITNESS: They are	24	BY MR. PIFKO:
	•		
	Page 99		Page 101
1	Schedule II because there's a	1	Q. So you have no
2	Schedule II because there's a potential for abuse.	2	Q. So you have no understanding?
2 3	Schedule II because there's a potential for abuse. BY MR. PIFKO:	2 3	Q. So you have no understanding? MR. NICHOLAS: Object to the
3 4	Schedule II because there's a potential for abuse. BY MR. PIFKO: Q. And because there's a	3 4	Q. So you have no understanding? MR. NICHOLAS: Object to the form. Outside the scope.
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Do a	
	Page 104
¹ BY MR. PIFKO:	Outside the scope.
Q. Do you have an understanding	² THE WITNESS: It calls for a
³ that a drug that has a high potential for	conclusion. I don't know that.
⁴ abuse could cause death to people who	⁴ BY MR. PIFKO:
⁵ consume that drug?	⁵ Q. You don't know either way?
6 MR. NICHOLAS: Objection.	⁶ A. I don't know
Outside the scope.	Q. If AmerisourceBergen does
8 THE WITNESS: I don't know.	⁸ not maintain effective controls to
⁹ I don't know.	⁹ prevent diversion of Schedule II
I mean, drugs people can	¹⁰ substances, they can be diverted,
overdose on drugs, and I'm aware	11 correct?
of that, yes.	MR. NICHOLAS: Object to the
¹³ BY MR. PIFKO:	form. Outside the scope.
Q. Do you have an understanding	THE WITNESS: Again, if we
that someone is more likely to suffer	don't adhere to our effective
16 harm from a Schedule II drug than a drug	controls to prevent diversion,
that's not a Schedule II drug?	yes, diversion could occur.
MR. NICHOLAS: Objection.	18 BY MR. PIFKO:
Outside the scope.	Q. Let's discuss some of the
THE WITNESS: I don't know	²⁰ company's policies and procedures with
that.	²¹ respect to diversion.
²² BY MR. PIFKO:	Before we do that, do you
Q. Let's go back to our duties	²³ agree that the laws and regulations with
24 to prevent diversion.	²⁴ respect to preventing diversion remain
	Page 105
You recall discussing that?	have remained unchanged for the last 45
MR. NICHOLAS: Object to the	
3 form. 4 THE WITNESS: Vas	WIR. MCHOLAS. Object to the
THE WITHESS. ICS.	form. Outside definitely
⁵ BY MR. PIFKO:	5 outside the scope.
5 BY MR. PIFKO:6 Q. You agree that	 outside the scope. THE WITNESS: The CSA was
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Page 106	Page 108
¹ same duty under the regulations today as	Q. Sorry, I'm not quite as
² it did in 1990, correct?	² organized as I want to be.
³ MR. NICHOLAS: Object to the	From the time you started
form. You're asking him a legal	⁴ with AmerisourceBergen let's back up.
⁵ question. Outside the scope.	⁵ You started working for
6 THE WITNESS: We have a	⁶ AmerisourceBergen in the 1990s?
⁷ requirement to have effective	⁷ A. January, correct.
8 controls to prevent diversion.	⁸ Q. Do you remember the exact
⁹ BY MR. PIFKO:	⁹ date and year?
Q. And that requirement hasn't	¹⁰ A. January 2nd, 1990.
¹¹ changed since the passage of The	Q. Okay. From the time that
¹² Controlled Substances Act, correct?	¹² you started with AmerisourceBergen until
MR. NICHOLAS: Object to the	¹³ about 1998, AmerisourceBergen's
form. Calls for a legal	14 monitoring protocol was that every order
conclusion. Outside the scope.	that exceeded the threshold was deemed to
THE WITNESS: I'm not aware	¹⁶ be suspicious, correct?
if the regulations have changed.	MR. NICHOLAS: Object to the
¹⁸ BY MR. PIFKO:	form. Outside the scope.
Q. You're familiar with the	THE WITNESS: So when I
²⁰ AmerisourceBergen's practices and	started with the company, the
²¹ procedures under The Controlled	process was a two-step process.
²² Substances Act going back to the '80s,	It was an excessive order report
23 correct?	that was produced monthly to send
²⁴ A. The '90s.	to DEA, and then we also had a
Page 107	Page 109
Page 107 1 O. Okay. The '90s.	Page 109 manual process at the distribution
Q. Okay. The '90s.	¹ manual process at the distribution
Q. Okay. The '90s. And you testified about the	manual process at the distribution centers where the order fillers
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Page 110	Page 112
developed with DEA and then worked	¹ to identify an order of interest
with them for two years testing	² for further review.
the program until they approved	³ BY MR. PIFKO:
the program in '98.	⁴ Q. And so the threshold is the
⁵ BY MR. PIFKO:	⁵ first step in the suspicious order
⁶ Q. I'm not asking for	6 monitoring program, correct?
⁷ approvals, or I didn't ask you the	7 MR. NICHOLAS: Object to the
⁸ formulation for the policy. I just asked	8 form.
⁹ if that was a correct statement about	⁹ THE WITNESS: It is a step.
what the practice was.	¹⁰ BY MR. PIFKO:
So I'll just let's get a	Q. Is there a step before the
¹² clear answer to the question.	¹² threshold?
A. That was the practice that	A. We train our employees at
we did in conjunction with DEA's	¹⁴ the distribution centers also to be aware
¹⁵ guidance.	of, and train them on suspicious orders.
Q. Just so we have a clear	¹⁶ And if they identify a suspicious order,
record, the practice was to ship the	¹⁷ they're to report it.
orders at night, and then the next day	Q. The threshold is a key
any orders that were identified as	¹⁹ factor that's used to identify
suspicious were then reported to the DEA;	²⁰ potentially suspicious orders, correct?
21 is that correct?	MR. NICHOLAS: Object to the
A. Correct.	²² form.
Q. Are you familiar with the	THE WITNESS: It's an
24 term "threshold"?	identifier that we use
Page 111	Page 11
Page 111	Page 113
¹ A. Yes.	systematically to trigger a
 A. Yes. Q. That's an attribute of your 	 systematically to trigger a potential order of interest.
 A. Yes. Q. That's an attribute of your suspicious order monitoring system, 	 systematically to trigger a potential order of interest. BY MR. PIFKO:
 A. Yes. Q. That's an attribute of your suspicious order monitoring system, correct? 	 systematically to trigger a potential order of interest. BY MR. PIFKO: Q. What other identifiers does
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	Page 114	. .	Page 116
1		1	_
2	tainted the record.	2	line of questioning.
3	MR. NICHOLAS: I didn't	3	MR. PIFKO: Again, that's a
4	taint the record, I just wanted	4	speaking objection, it's not
5	clarification.	5	appropriate.
6	MR. PIFKO: You have, but		MR. NICHOLAS: It's not an
7	THE WITNESS: Just repeat	6	objection. I'm asking for clarity
8	the question. I'll answer you,	8	so the record is clear.
	just repeat the question.	9	MR. PIFKO: The witness is
10	BY MR. PIFKO:	10	answering my question, so we're
11	Q. My question was	11	having a conversation here. And
12	MR. PIFKO: Can you read	12	you're interrupting.
13	back the question?	13	Please continue, sir.
14		14	MR. NICHOLAS: I object to
15	(Whereupon, the court	15	the lecture to me.
	reporter read the following part		Go ahead.
16	of the record:	16	THE WITNESS: And you
	"Question: What other		mentioned that I think your
18	identifiers does AmerisourceBergen	18	question was cage or vault?
19	use to identify a potential order	20	BY MR. PIFKO:
	of interest?")		Q. You used the word you
21		21	used the word "vault" originally, you
	THE WITNESS: As I indicated	22	said something about the "cage" and then
23	prior, the manual process of we	23	you said something about the vacit.
24	train our distribution center	24	And my question to you is,
	Page 115		Page 117
1	employees that work in the cages	1	what do you mean by "vault"?
2	and vaults, if they see an	2	A. So Schedule II products are
3	unusually large order or frequency	3	maintained in the vault. Schedule III
4	or pattern that they feel could be	1	through IVs are maintained in the cage.
5	potentially suspicious, then they	1	Both have a suspicious order reporting
6	are to report that, in addition	6	requirements, so we train those
7	to you asked if there was	7	absociates in both areas.
8	another. There it is, that's the	8	Q. So there's associates in
9	other.	9	the cage are trained on, to report an
	BY MR. PIFKO:	10	order that deviates from the usual
11	Q. So employees who work in the	11	pattern or is of an unusual size or
12	cages look for an order of unusual size,	12	frequency, correct?
13	frequency or deviation from the normal	13	MR. NICHOLAS: Object to the
1	pattern?	14	form.
15	A. And the vault. We train	15	Go ahead.
16	them to look for that, correct.	16	THE WITNESS: Both cage and
17	Q. When you say "and the	17	vault associates are trained in
18	radit	18	the same manner, to identify
19	MR. NICHOLAS: Object to the	19	yes, exactly.
20	form.	20	BY MR. PIFKO:
21	I will restate for the	21	Q. I was going to ask that. I
22	record that we need some clarity	22	was just making my written record here
23	as to what time period we're	23	for that. So just, again, for clarity of
١		1 .) /	Alea waaawd
24	talking about during this whole	24	the record.

	Christopher Zimmerma		·
	Page 118		Page 120
1	The employees in the cage	1	BY MR. PIFKO:
2	can identify an order of interest by	2	Q. Let's talk about the
3	identifying that order as being of an	3	pre-2007 period and thresholds within
4	unusual size, frequency or deviating from	4	that period.
5	the normal pattern?	5	Do you have an understanding
6	MR. NICHOLAS: Object to the	6	of how AmerisourceBergen calculated
7	form.	7	thresholds before 2007?
8	THE WITNESS: As I	8	MR. NICHOLAS: Objection.
9	indicated, they are trained, if	9	Outside the scope.
10	they identify something of such,	10	These are being answered in
11	they are to report it.	11	his individual capacity.
12	BY MR. PIFKO:	12	THE WITNESS: In what time
13	Q. And the same is true with	13	period?
14	respect to employees in the vault?	14	-
15	A. Correct.	15	Q. Well, let's start, you
16		16	testified in West Virginia that there
17	MR. NICHOLAS: Object to the form.	17	were certain changes made with respect to
18		18	the calculation of thresholds from the
19	BY MR. PIFKO:		
	Q. And the other way an order		1990s to 2007, correct?
20	can be identified as an order of interest	20	MR. NICHOLAS: Same
	is if it exceeds a threshold that's	21	objection.
	defined by AmerisourceBergen?	22	THE WITNESS: There was a
23	MR. NICHOLAS: Object to the	23	change in '98.
24	form.	24	BY MR. PIFKO:
	Page 119		Page 121
1	\mathcal{E}		1 uge 121
1	THE WITNESS: There's a	1	Q. Okay. Before 1998, what was
1 2	_		_
	THE WITNESS: There's a threshold that identifies a		Q. Okay. Before 1998, what was the method of calculating a threshold at
2	THE WITNESS: There's a threshold that identifies a potentially an order of	2	Q. Okay. Before 1998, what was the method of calculating a threshold at AmerisourceBergen?
2 3	THE WITNESS: There's a threshold that identifies a potentially an order of interest, not a suspicious order.	2 3	Q. Okay. Before 1998, what was the method of calculating a threshold at AmerisourceBergen? MR. NICHOLAS: Same
2 3 4	THE WITNESS: There's a threshold that identifies a potentially an order of interest, not a suspicious order. And that is that is determined	2 3	Q. Okay. Before 1998, what was the method of calculating a threshold at AmerisourceBergen? MR. NICHOLAS: Same objection. Outside the scope of
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Page 122 Page 124 1 The product? ¹ that two-year period. A. 2 O. Yes. We continued to make changes 3 ³ in the program, and that was the final Yes. A. calculation that we came up with. Q. After 1998, what was the practice with respect to calculating Q. And that calculation was used from 1998 to 2007? thresholds? 7 Yes. MR. NICHOLAS: Same A. 8 8 objection. Outside the scope. Q. Something happened in 2007, 9 THE WITNESS: So in 1996, we correct? 10 10 worked with DEA, for two years, Α. Yes. 11 on -- in order to provide DEA with 11 You had an enforcement O. 12 more -- we feel, more accurate action brought against you by the DEA, 13 information, that we worked on a correct? 14 14 project to where we would identify A. Correct. 15 15 a customer based upon its own O. The three times multiplier, 16 purchase history versus all ¹⁶ where does that come from? Scratch that 17 pharmacies in one big bucket. question for a second. 18 And then we calculated a 18 You agree that throughout 19 rolling four-month average of that the time period we just discussed, from 20 pharmacy's purchases. And then the 1990s to 2007, there was always a 21 created a multiplier of three to three times multiplier used in connection 22 identify a trigger that would with calculating the threshold, correct? 23 23 A. So for -- so from 1990 to identify a suspicious order. 24 BY MR. PIFKO: ²⁴ '98, the excessive report for ARCOS Page 123 Page 125 1 Q. That practice was in place ¹ items, which would be your Schedule II ² and reportable IIIs had a three times from 1998 to when? 3 MR. NICHOLAS: Object to ³ multiplier. Non-ARCOS items, I think it 4 the -- objection. Scope. Same ⁴ might have been six; it might have been a 5 objection as I've been stating. ⁵ higher multiplier. 6 THE WITNESS: So that -- so Our program that we 7 implemented in '98 set them all at three. once we got approval from DEA to Q. And do you know what the 8 enact that program nationally, we 9 tested it for -- with one DEA methodology was in calculating that three 10 office and then several, and then times multiplier? 11 11 Washington, D.C. approved it for MR. NICHOLAS: Object to the 12 national use throughout in 1998. 12 form. And same objection, as to 13 And that was the practice 13 outside -- as to the scope here of 14 14 until 2007. all these questions. 15 15 THE WITNESS: So the three BY MR. PIFKO: 16 16 Q. So to be clear, from 2007 -times multiplier had been in place 17 ¹⁷ I'm sorry, from 1998 to 2007, the when I came on board in 1990. And practice was to take a specific 18 that was the program that we were 19 ¹⁹ customer's order history over the prior submitting and working with DEA in 20 ²⁰ four-month period and then average the 1990 all the way up to '96. 21 order history and multiply that by three, 21 And then when we started to 22 ²² and that would be its threshold, correct? work on the new program in 23 23 A. That was the agreed-upon conjunction with DEA and testing 24 process through our testing with DEA over it and refining it for that

	Christopher Zimmerma		
	Page 126		Page 12
1	two-year period, the three times	1	And then in '96, when we
2	multiplier was the multiplier that	2	started working with DEA, we came
3	we that, in conjunction with	3	up and we mutually decided on a
4	the DEA, decided to use.	4	three times multiplier.
5	BY MR. PIFKO:	5	And then the Suspicious
6	Q. So you don't know where it	6	Order Task Force was assembled
7	came from, because it was already in	7	and, again, through their meetings
8	place when you started at the company?	8	with enforcement agencies and
9	MR. NICHOLAS: Object to the	9	regulators and industry, they came
10	form. Outside the scope.	10	up with a process to identify
11	THE WITNESS: It was	11	systematic a systematic
12	correct, it was in place.	12	approach for reporting suspicious
13	And then in '96, '7, '8,	13	orders, and that was a three times
14	right in that time period, the	14	multiplier as well.
15	Methamphetamine Control Act was	15	BY MR. PIFKO:
16	passed. And part of that act	16	Q. This three times multiplier
17	required the it didn't require,	17	that you relied on through this task
18	it mandated a Suspicious Order	18	force, was there any written
19	Task Force to come up with a	19	documentation establishing that?
20	process to identify suspicious	20	A. It was in the chemical
21	orders and report it to DEA.	21	handling handbook published by the DEA.
22	I participated on that task	22	Q. And that's a document that
23	force, and that was what came up.	23	-
24	And it was with enforcement,		multiplier?
	And it was with emolection,		•
	Page 127		Page 12
1	state, federal and industry. And	1	A. That was
2	we met quarterly. And the	2	MR. NICHOLAS: Same
3	Suspicious Order Task Force	3	objection. Objections to the form
4	mandated by the Methamphetamine	4	and outside the scope.
5	Control Act came up with the same		G 1 1
6		5	Go ahead.
	process with the three times	6	Go ahead. THE WITNESS: Again, what
7	process with the three times multiplier. And that's the same	-	
7 8	÷	6	THE WITNESS: Again, what
	multiplier. And that's the same	6	THE WITNESS: Again, what time frame are you talking about?
8 9	multiplier. And that's the same one we used, which kind of is in	6 7 8	THE WITNESS: Again, what time frame are you talking about? When we worked with DEA, we
8 9 10	multiplier. And that's the same one we used, which kind of is in line with what we used in '90,	6 7 8 9	THE WITNESS: Again, what time frame are you talking about? When we worked with DEA, we relied on our negotiations with
8 9 10 11	multiplier. And that's the same one we used, which kind of is in line with what we used in '90, what we used in '98, and what we implemented in 2007.	6 7 8 9	THE WITNESS: Again, what time frame are you talking about? When we worked with DEA, we relied on our negotiations with DEA. And then in 2007, when we
8 9 10 11	multiplier. And that's the same one we used, which kind of is in line with what we used in '90, what we used in '98, and what we implemented in 2007.	6 7 8 9 10	THE WITNESS: Again, what time frame are you talking about? When we worked with DEA, we relied on our negotiations with DEA. And then in 2007, when we were implementing a new enhanced
8 9 10 11 12	multiplier. And that's the same one we used, which kind of is in line with what we used in '90, what we used in '98, and what we implemented in 2007. BY MR. PIFKO: Q. And so your three times	6 7 8 9 10 11	THE WITNESS: Again, what time frame are you talking about? When we worked with DEA, we relied on our negotiations with DEA. And then in 2007, when we were implementing a new enhanced program, again, in conjunction with DEA, we came up with the
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		_
	Page 130	Page 132
1	that's what that's called?	¹ Q. I'll represent to you that
2	A. Your question is what the	² this is the 2001 version.
3	manual is called? Chemical handling	³ A. Okay.
4	guide, I believe. I can't I don't	Q. Do you believe you've seen
5	know the exact name. It was also on the	⁵ this before?
6	DEA's website for some time.	⁶ A. I've seen I don't know if
7	Q. Did you produce a copy of	⁷ I've seen this version, but I've seen it.
8	that guide, to your knowledge?	8 Q. And when you refer to the
9	MR. NICHOLAS: Who are you	⁹ Chemical Handler's Manual, this is what
10	talking about? Are you talking	10 you're referring to?
11	about	11 A. Yes. And, again, it was
12	MR. PIFKO: The company.	also on the website as well.
13	MR. NICHOLAS: in this	Q. When you talk about the
14	litigation?	14 three times multiplier there's page
15	MR. PIFKO: Yes.	15 numbers on the bottom here, Page 43.
16	THE WITNESS: In this	16 They are side-by-side columns, Appendix
17	MR. NICHOLAS: Objection.	¹⁷ E-3.
18	BY MR. PIFKO:	Can you turn to that?
19	Q. If you know.	19 A. Uh-huh.
20	A. I don't know.	Q. Are you there?
21	MR. NICHOLAS: For the	21 A. Yes.
22	record, since the implication is	Q. On Page 43, the page on the
23	that maybe we were supposed to	23 right, you see there it says, Suspicious
24	produce the document or	order reporting system for use in
	Page 131	Page 133
1	comething	outomoted treating exetence
1 2	something	¹ automated tracking systems.
2	MR. PIFKO: No accusations.	Do you see that?
3	MR. PIFKO: No accusations. Just asking.	Do you see that? A. What page are you on?
3 4	MR. PIFKO: No accusations. Just asking. MR. NICHOLAS: Good. It's a	Do you see that? A. What page are you on? Q. It's 43 on the very bottom.
3 4 5	MR. PIFKO: No accusations. Just asking.	Do you see that? A. What page are you on? Q. It's 43 on the very bottom. A. Okay.
3 4 5 6	MR. PIFKO: No accusations. Just asking. MR. NICHOLAS: Good. It's a DEA document prior to 2006.	Do you see that? A. What page are you on? Q. It's 43 on the very bottom. A. Okay. Q. Are you there?
3 4 5 6 7	MR. PIFKO: No accusations. Just asking. MR. NICHOLAS: Good. It's a DEA document prior to 2006. (Whereupon, Amerisource	Do you see that? A. What page are you on? Q. It's 43 on the very bottom. A. Okay. Q. Are you there? A. Yes.
3 4 5 6 7 8	MR. PIFKO: No accusations. Just asking. MR. NICHOLAS: Good. It's a DEA document prior to 2006. (Whereupon, Amerisource Bergen-Zimmerman Exhibit-4, 2001	Do you see that? A. What page are you on? Q. It's 43 on the very bottom. A. Okay. Q. Are you there? A. Yes. Q. Appendix E-3.
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3 4 5 6 7 8 8 9 10 11 12 13 14 15 16	MR. PIFKO: No accusations. Just asking. MR. NICHOLAS: Good. It's a DEA document prior to 2006. (Whereupon, Amerisource Bergen-Zimmerman Exhibit-4, 2001 Chemical Handler's Notebook, was marked for identification.) Proceedings of the second seco	Do you see that? A. What page are you on? Q. It's 43 on the very bottom. A. Okay. Q. Are you there? A. Yes. Q. Appendix E-3. Do you see that at the top of that page? Is that the page you're looking at? A. Yes. A. Yes. A. Yes. O. And it says, Suspicious order reporting system for use in automated tracking systems. Do you see that?
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Christopher Zim	merman (AmerisourceBergen)
	Page 134 Page 136
¹ these numbers, 1, 2, 3, 4. And then i	t A. There was a designee of one
² has, Note.	² person. It wasn't me. I wasn't the
³ Do you see that?	³ one-person designee.
⁴ A. Yes.	⁴ Q. Do you know who that was?
⁵ Q. And it says, Factor equals	⁵ A. I don't.
6 3.	⁶ Q. Do you know what company
Do you see that?	⁷ they worked for?
8 A. Yes.	8 A. I want to say it was
⁹ Q. Is that what you were	⁹ Cardinal or McKesson, but I'm not sure.
¹⁰ talking about?	¹⁰ It wasn't ABC.
11 A. Yes.	Q. Did you work with anyone
Q. And you worked with the ta	ask 12 from Cardinal or McKesson so I asked
¹³ force that was responsible for coming	g up 13 you who the designated person was, and
14 with this manual?	14 you said maybe it was Cardinal or
¹⁵ A. I participated on it. I	15 McKesson.
wasn't the the industry could have	one Setting aside who the
member, but there was a group of pe	
18 within the industry.	18 involved with this task force, did you
Q. Did you help in drafting an	
of the language that was in the manu	•
A. I don't recall.	MR. NICHOLAS: Object to the
Q. Do you recall if the DEA	form. Scope.
²³ asked you for comment on the final	Go ahead.
²⁴ version of the manual?	THE WITNESS: I can't
	Page 135 Page 137
¹ A. I don't.	Page 135 remember who specifically was
² Q. Your work on this task force	Page 135 remember who specifically was involved. Page 137
 Q. Your work on this task force was through the Healthcare Distribute 	Page 135 remember who specifically was involved. BY MR. PIFKO:
 Q. Your work on this task force 3 was through the Healthcare Distribut 4 Alliance, which I guess was under a 	Page 135 remember who specifically was involved. 3 BY MR. PIFKO: 4 Q. But you generally feel like
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	Christopher Zimmermai	-	·
	Page 138		Page 140
1	marked as Exhibit-5. This is a document	1	And they also wanted us to
2	Bates labeled ABDCMDL 00279854 to 65.	2	modify our suspicious order
3	Have you seen this document	3	monitoring program to stop orders
4	before?	4	that we believed stop orders
5	A. Yes.	5	that could possibly be suspicious
6	Q. Can you tell me what this	6	and then to any suspicious any
7	is?	7	order we deem suspicious should
8	A. This is our settlement and	8	not be shipped.
9	release agreement with the DEA for	9	BY MR. PIFKO:
10	Orlando distribution center.	10	Q. Did AmerisourceBergen agree
11	Q. So as a result of the	11	to do that?
12	enforcement action with the DEA, this was	12	A. We modified our program per
13	the agreement that was reached between	13	this agreement, correct.
14	AmerisourceBergen and the DEA, correct?	14	Q. Can we refer to this
15	MR. NICHOLAS: Object to the	15	agreement as the shipping requirement?
16	form.	16	MR. NICHOLAS: Object to the
17	THE WITNESS: This is the	17	form.
18	agreement, yes, that was made	18	BY MR. PIFKO:
19	after the order to show cause.	19	Q. If I say "shipping
20	BY MR. PIFKO:	20	requirement," can we have an
21	Q. Was there any money paid,	21	understanding that I'm referring to the
22	under this agreement, from		idea that you're not supposed to ship an
23	AmerisourceBergen to the United States		order that's deemed to be suspicious?
1	government?	24	MR. NICHOLAS: I'll object
,	Page 139		Page 141
1		1 1	4 41 C
	A. No.	1	to the form.
2	Q. But as a result of this	2	I want to understand, are
2 3	Q. But as a result of this agreement, AmerisourceBergen changed its	2	I want to understand, are you asking the witness if
2 3 4	Q. But as a result of this agreement, AmerisourceBergen changed its suspicious order monitoring program,	2 3 4	I want to understand, are you asking the witness if heretofore we can refer to this
2 3 4 5	Q. But as a result of this agreement, AmerisourceBergen changed its suspicious order monitoring program, correct?	2 3 4 5	I want to understand, are you asking the witness if heretofore we can refer to this agreement as the shipping
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Page 142	Page 144
with the DEA, that if we	Q. That's good. Thank you.
defined ABC defined an order as	A. Do you want me to read the
suspicious, that we would report	³ whole thing?
it and would not ship it.	⁴ Q. That's all I was asking you
⁵ BY MR. PIFKO:	⁵ to read.
⁶ Q. Did DEA ever tell you that	6 MR. NICHOLAS: You asked him
⁷ there was a prior to entering into	⁷ to read the whole thing.
⁸ this agreement, did DEA ever tell you	8 MR. PIFKO: You can read to
⁹ that an order that's suspicious should	⁹ yourself the rest of that
10 not be shipped?	paragraph, if you please. But all
MR. NICHOLAS: Object to the	I wanted you to read for the
12 form.	record was that portion.
THE WITNESS: Did DEA ever	MR. NICHOLAS: You asked
tell us? No.	him, for the record, to read the
15 BY MR. PIFKO:	whole paragraph. Are you now
Q. We talked about this	telling him you don't want him to
¹⁷ Chemical Handler's Manual and how it	read the whole paragraph?
¹⁸ provided guidance on the three times	MR. PIFKO: You don't need
threshold requirement, correct?	to read any more.
20 A. Yes.	20 BY MR. PIFKO:
Q. Did you take any guidance	Q. Did you ever consider
22 from that manual about the idea of not	22 foregoing some transactions, as a result
23 shipping an order that's deemed to be	23 of reading this document?
24 suspicious?	MR. NICHOLAS: Object to the
P	
Page 143	Page 145
¹ MR. NICHOLAS: Object to the	¹ form. Outside the scope.
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	Christopher Zimmerman	_	,
	Page 146		Page 148
1	Have you seen these before?	1	just review the letter before you
2	A. I have.	2	ask before he's asked questions
3	Q. These are what we refer to	3	about portions of it?
4	as the Dear Registrant letters.	4	MR. PIFKO: You can review
5	Have you heard that term	5	the letter.
6	before?	6	BY MR. PIFKO:
7	A. I have, since yep. Yes.	7	Q. Do you believe this a
8	Q. Did AmerisourceBergen	8	while you're reviewing it, do you believe
9	receive these letters from the Department	9	this is a true and correct copy of the
10	of Justice? Let's start with the first	10	September 27th, 2006 letter from the
11	one, dated September 27th, 2006, Bates	1	Department of Justice?
1	label ABDCMDL 00269691.	12	MR. NICHOLAS: Object to the
13	Are you there?	13	form.
14	A. Yes.	14	THE WITNESS: It looks the
15	Q. Okay. Did AmerisourceBergen	15	same.
16	receive a copy of this letter?	16	BY MR. PIFKO:
17	A. I believe one or more of our	17	Q. And this is something that
18	distribution centers did.	18	the company would have maintained in its
19	Q. When you were at the	19	files in the ordinary course of business?
20	•	20	MR. NICHOLAS: Could you let
21	company, at that time, did you receive a copy of that letter?	21	him finish reading the letter,
22	= -	22	
	A. I eventually saw a copy of		please, before you ask? BY MR. PIFKO:
1	the letter. I never received one from DEA.	24	
	DEA.		Q. I just wanted to ask you
	Page 147		Page 149
1	Q. But someone in the company	1	about a couple of provisions in the
1 2	_		_
	Q. But someone in the company		about a couple of provisions in the
2	Q. But someone in the company provided one to you?	2	about a couple of provisions in the letter.
2 3 4	Q. But someone in the company provided one to you? A. Yes.	3	about a couple of provisions in the letter. A. Just one second.
2 3 4	Q. But someone in the company provided one to you?A. Yes.Q. And it was on or around the	2 3 4 5	about a couple of provisions in the letter. A. Just one second. Okay.
2 3 4 5	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter?	2 3 4 5	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is
2 3 4 5	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I	2 3 4 5 6 7	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have
2 3 4 5 6 7	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I don't recollect how far after.	2 3 4 5 6 7	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have been maintained by the company in the
2 3 4 5 6 7 8	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I don't recollect how far after. Q. Like a month after, or less?	2 3 4 5 6 7 8	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have been maintained by the company in the ordinary course of business?
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2 3 4 5 6 7 8 9	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I don't recollect how far after. Q. Like a month after, or less? A. It could have been a month or two.	2 3 4 5 6 7 8 9	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have been maintained by the company in the ordinary course of business? A. We would have it. Q. So let's go to the first
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2 3 4 5 6 7 8 9 10 11 12 13	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I don't recollect how far after. Q. Like a month after, or less? A. It could have been a month or two. Q. But not, like, a year later? MR. NICHOLAS: Object to the form.	2 3 4 5 6 7 8 9 10 11 12 13	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have been maintained by the company in the ordinary course of business? A. We would have it. Q. So let's go to the first page of this letter which, again, for the record, is ABDCMDL 00269691. Are you there?
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2 3 4 5 6 7 8 9 10 11 12 13 14	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I don't recollect how far after. Q. Like a month after, or less? A. It could have been a month or two. Q. But not, like, a year later? MR. NICHOLAS: Object to the form. THE WITNESS: Not that I recollect. BY MR. PIFKO:	2 3 4 5 6 7 8 9 10 11 12 13 14 15	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have been maintained by the company in the ordinary course of business? A. We would have it. Q. So let's go to the first page of this letter which, again, for the record, is ABDCMDL 00269691. Are you there? A. Page 1, yes. Q. Okay. There's a heading here, Background.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I don't recollect how far after. Q. Like a month after, or less? A. It could have been a month or two. Q. But not, like, a year later? MR. NICHOLAS: Object to the form. THE WITNESS: Not that I recollect. BY MR. PIFKO: Q. I want to point you to some provisions in this letter. There's a heading, Background. Do you see that? A. What page are you on? Q. On ABDC 00269691.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have been maintained by the company in the ordinary course of business? A. We would have it. Q. So let's go to the first page of this letter which, again, for the record, is ABDCMDL 00269691. Are you there? A. Page 1, yes. Q. Okay. There's a heading here, Background. Do you see that? A. Oh, yes. At the top. Yes. Q. It says, As each of you is undoubtedly aware, the abuse (nonmedical use) of controlled prescription drugs is a serious and growing health problem in
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. But someone in the company provided one to you? A. Yes. Q. And it was on or around the time of the letter? A. It was some time after. I don't recollect how far after. Q. Like a month after, or less? A. It could have been a month or two. Q. But not, like, a year later? MR. NICHOLAS: Object to the form. THE WITNESS: Not that I recollect. BY MR. PIFKO: Q. I want to point you to some provisions in this letter. There's a heading, Background. Do you see that? A. What page are you on?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	about a couple of provisions in the letter. A. Just one second. Okay. Q. My last question was, is this letter something that would have been maintained by the company in the ordinary course of business? A. We would have it. Q. So let's go to the first page of this letter which, again, for the record, is ABDCMDL 00269691. Are you there? A. Page 1, yes. Q. Okay. There's a heading here, Background. Do you see that? A. Oh, yes. At the top. Yes. Q. It says, As each of you is undoubtedly aware, the abuse (nonmedical use) of controlled prescription drugs is

CHIISCOPHEI ZIMMEIM	_
Page 15	
¹ A. Yes.	Q. It then says, If the closed
Q. Do you agree that the DEA	² system is to function properly as
³ communicated that to AmerisourceBergen o	n 3 Congress envisioned, distributors must be
⁴ September 27th, 2006?	⁴ vigilant in deciding whether a
⁵ MR. NICHOLAS: Object to the	⁵ prospective customer can be trusted to
⁶ form.	⁶ deliver controlled substances only for
⁷ THE WITNESS: So it states.	⁷ lawful purposes.
8 It's stated in the letter.	8 Do you see that?
⁹ BY MR. PIFKO:	⁹ A. I do.
Q. And you agree that the	Q. Do you agree with that
¹¹ Department of Justice communicated that	11 statement?
¹² to AmerisourceBergen?	MR. NICHOLAS: Object to the
MR. NICHOLAS: Object to the	form.
14 form.	THE WITNESS: I think I
THE WITNESS: We received	think there's a lot of inference
this letter, yes.	there.
¹⁷ BY MR. PIFKO:	¹⁷ BY MR. PIFKO:
Q. The letter also says, The	Q. In what way?
¹⁹ CSA was designed by Congress to combat	A. Congress he's indicating
²⁰ diversion by providing for a closed	what Congress envisioned. I'm not sure
system of drug distribution in which all	²¹ what they're basing I'm not sure where
legitimate handlers of controlled	they're drawing that from.
23 substances must obtain a DEA	Q. So you don't agree with that
²⁴ registration, and as a condition of	24 statement?
Dags 15	Dog 15
Page 15	
¹ maintaining such registration, must take	¹ MR. NICHOLAS: That's not
 maintaining such registration, must take reasonable steps to ensure that their 	¹ MR. NICHOLAS: That's not what he said. Objection.
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 maintaining such registration, must take reasonable steps to ensure that their registration is not being utilized as a source of diversion. Do you see that? 	 MR. NICHOLAS: That's not what he said. Objection. THE WITNESS: I'm just stating that there's a statement made in there that Congress
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	Christopher Zimmerman		·
	Page 154		Page 156
1	form.	1	on the health and general welfare of the
2	THE WITNESS: I don't know	2	American people?
3	what they envisioned. I don't	3	MR. NICHOLAS: Object to the
4	know what they're basing that on.	4	form.
5	You're asking me to make a	5	THE WITNESS: Can you just
6	conclusion off of something I	6	restate that?
7	don't have all the facts about.	7	
8	BY MR. PIFKO:	8	Q. I said, do you have an
9	Q. So you don't have an	9	understanding that in attempting to
10	understanding either way about whether	10	prevent illegal distribution of
11	distributors must be vigilant in deciding	11	controlled substances, that the company's
12		12	actions can have an impact on the health
13	trusted to deliver controlled substances	13	and general welfare of the American
14	only for lawful purposes?	14	people?
15	A. We need	15	MR. NICHOLAS: Object to the
16	MR. NICHOLAS: Object to the	16	form.
17	form.	17	THE WITNESS: Yeah, I can
18	Go ahead.	18	you break it into two or three
19	THE WITNESS: We need to	19	questions? Because you lumped a
20	ensure that the customers that we	20	lot in there. Can you
21	sell to have been appropriately	21	BY MR. PIFKO:
22	licensed and in good standing with	22	Q. What part is tricking you
23	DEA and the Boards of Pharmacy. I	23	up?
24	agree with that.	24	A. The first part.
	agree with that.		71. The first part.
		-	
	Page 155		Page 157
	BY MR. PIFKO:	1	Q. We agree that
2	BY MR. PIFKO: Q. It says, Congress has		Q. We agree that AmerisourceBergen has a duty to take
3	BY MR. PIFKO: Q. It says, Congress has expressly declared that the illegal	2 3	Q. We agree that AmerisourceBergen has a duty to take actions to prevent illegal distribution
3 4	BY MR. PIFKO: Q. It says, Congress has expressly declared that the illegal distribution of controlled substances has	2 3 4	Q. We agree that AmerisourceBergen has a duty to take actions to prevent illegal distribution of controlled substances, agree?
2 3 4 5	BY MR. PIFKO: Q. It says, Congress has expressly declared that the illegal distribution of controlled substances has a substantial and detrimental effect on	2 3 4 5	Q. We agree that AmerisourceBergen has a duty to take actions to prevent illegal distribution of controlled substances, agree? MR. NICHOLAS: Object to the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	BY MR. PIFKO: Q. It says, Congress has expressly declared that the illegal distribution of controlled substances has a substantial and detrimental effect on the health and general welfare of the American people. Do you see that? A. Yes. Q. Do you agree with that statement? MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q. It's cites 21 USC.8012. A. If Congress has expressly declared that, then I agree that Congress expressly declared that there's a substantial and detrimental effect to the American wellbeing. Q. Do you have an understanding	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. We agree that AmerisourceBergen has a duty to take actions to prevent illegal distribution of controlled substances, agree? MR. NICHOLAS: Object to the form. THE WITNESS: We have a duty to make sure that we follow our regulatory responsibilities to prevent diversion, I agree. BY MR. PIFKO: Q. And then the question is, in carrying out that role, do you believe that AmerisourceBergen's actions can have an impact on the health and general welfare of the American people? MR. NICHOLAS: Object to the form. THE WITNESS: Again, we go back to what we were talking about
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1 And I'm not sure what more 2 we can say. We have an obligation 3 to ensure that we get medications 4 to the pharmacies in need. And, 5 yes, we do have an obligation to 6 help with providing access for 7 medications to the patients that 8 need them, which I guess would be 9 the public. 9 the public. 10 BY MR. PIFKO: 11 Q. How about in preventing 12 illegal substances from being 13 distributed, do you believe that 14 AmerisourceBergen's actions can have an impact on the health and general welfare 16 of the American people? 17 MR. NICHOLAS: Object to the form. 19 THE WITNESS: As long as 20 we again, this implies chain 21 under our control, we can do what 22 we can under our control and our responsibilities and we do that 24 diligently. 1 need to dispense them to their 2 patients and that there's access 3 to patients and that there's access 4 a prescription and fill it at the pharmacy, which would have an impact on the health and safety of the public. 8 BY MR. PIFKO: 9 Q. So you said by not having a diversion occurring within the uinderstripe within the public. 10 diversion occurring within the uinderstripe to the health and welfare of the public. 11 MR. NICHOLAS: Object to the form. 12 MR. NICHOLAS: Object to the form. 13 MR. NICHOLAS: Object to the form. 14 MR. NICHOLAS: Object to the form. 15 MR. NICHOLAS: Object to the form. 16 BY MR. PIFKO: 17 Q. Do you recall saying that? 18 MR. NICHOLAS: Object to the form. Are you asking what he said a minute ago and just reading the transcript? Is that what you're doing? 19 THE WITNESS: We have an obligation to maintain I I	CITT TO COPILCT DIMMCTM	an (AmerisourceBergen)
2 patients and that there's access to patients that have been issued to the pharmacies in need. And, 5 yes, we do have an obligation to 6 help with providing access for 7 medications to the patients that 8 need them, which I guess would be 9 the public. 8 PY MR. PIFKO: 9 the public. 10 BY MR. PIFKO: 11 Q. How about in preventing 12 distributed, do you believe that 14 AmerisourceBergen's actions can have an 15 impact on the health and general welfare 16 of the American people? 17 MR. NICHOLAS: Object to the 18 form. 18 form. 19 THE WITNESS: As long as 20 we — again, this implies chain 21 under our control, we can do what 22 we can under our control and our 23 responsibilities and we do that 24 diligently. 19 And, you know, that's — and 25 by not having a diversion 3 occurring within the distribution centers, then that's how we impact the health and welfare of the 5 public, by not having that occur 7 within our distribution centers, then that's how we impact the health and welfare of the 5 public, by not having that occur 7 within our distribution centers, then that's how we impact the health and general welfare of the 10 public, by not having that occur 10 it could have an adverse impact on the 11 health and general welfare of the 12 American public, correct? 13 MR. NICHOLAS: Object to the 14 form. 15 THE WITNESS: I don't know 16 have an adverse impact on the 17 havis a — 16 or 10 having a diversion occurring within the distribution centers, then that's how we impact the health and safety of the public. 8 BY MR. PIFKO: 17 Q. Do you recall saying that? 18 MR. NICHOLAS: Object to to 16 form. 19 don't understand what you mean 19 that. 19 don't understand what you mean 19 don't understand what	Page 158	Page 160
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THE WITNESS: I don't know 15 A what I stated.	•	Q. Okay. Do you agree to
THE WITTLESS. I don't know A what I stated.		
mat. Again, we can go Again, it goes back to the		A what I stated.
back-and-forth again. I think we same issue that you have been asking		
back-and-form again. I think we same issue that you have been asking covered this ground. 18 and I've answered it several times, of	_	· · · · · · · · · · · · · · · · · · ·
	_	
what our role in the suppry channel is,	_	what our role in the supply chamier is,
nave effective controls to prevent now we what things we have in place	_	now we what timings we have in place to
,	·	prevent diversion. This that is our role
we also have an obnoviou to 144 and reconstitutio	we also have an obligation to	and responsionity.
		we don't toden the patient.
ensure that we get FDA-approved 23 We don't touch the patient.	medications to the pharmacies that	Q. I haven't asked you a

	Christopher Zimmerman	.1	(AmerisourceBergen)
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1	question.	1	question, sir. I don't want a speech to
2	A. I know you haven't. But you	2	questions I'm not asking.
3	continue	3	All I asked you was if I had
4	MR. NICHOLAS: Let him	4	read that portion correctly?
5	finish.	5	MR. NICHOLAS: You know
6	BY MR. PIFKO:	6	what, you don't tell him that you
7	Q. You're giving a speech.	7	don't want a speech or you do want
8	All I asked you	8	a speech. Let him answer your
9	A. Well, you're reading back	9	questions. Don't lecture him.
10	what I just said.	10	MR. PIFKO: We're going to
11	Q. The question I asked is what	11	have to have this transcript
12	you said. Did you say that? And you're	12	evaluated by the court for your
13	giving a speech.	13	lack of cooperation and we're
14	MR. NICHOLAS: Hold on.	14	going to seek appropriate remedies
15	Hold on. If you're going to go	15	at the appropriate time.
16	back and read him a portion of	16	MR. NICHOLAS: That's fine.
17	what he just said a minute ago	17	Do whatever you want. Let him
18	MR. PIFKO: I didn't ask him	18	answer your questions.
19	to give a speech.	19	MR. PIFKO: I'm trying to
20	MR. NICHOLAS: I think you	20	ask him, but he's not letting me
21	then can also let him answer your	21	ask questions, because he's
22	question.	22	talking about and giving speeches.
23	MR. PIFKO: No. I just	23	MR. NICHOLAS: He's not
24	said, did you say that? That's	24	letting you answer questions
	· · ·		-
,	Page 163	1	Page 165
1	all the question was. And he goes	1	because he is answering questions.
2	on a five-minute speech.	2	MR. PIFKO: He's talking
3	That's not what the question	3	about things I'm not asking him.
4	was.	4	MR. NICHOLAS: You're just
	MR. NICHOLAS: First of all,	5	arguing. Go ahead.
6	it's been about 20 seconds that	6	DI WIK. I II IKO.
7	he's talking. If he wanted to	7	Q. You said I'm reading from
8	talk for an hour, he could. But	8	are transcript By not having arversion
9	he's not doing that. He's trying	9	occurring within the distribution center,
10	to answer your questions.	10	then that's how we impact the health and
11	MR. PIFKO: All my question		general welfare of the public.
12	was, was did I read it right?	12	Agreed?
13	MR. NICHOLAS: You're just	13	A. That's what I said.
14	arguing with him.	14	Q. Okay. And so my question
15	MR. PIFKO: No, my question	1	is, if diversion does occur, then that
16	was	16	could have an adverse impact on the
17	MR. NICHOLAS: You're just	17	health and welfare of the public.
18	arguing.	18	Do you agree?
19	MR. PIFKO: You're wasting	19	MR. NICHOLAS: Object to the
20	our time, okay?	20	form. You really are arguing.
21	MR. NICHOLAS: Just ask him	21	Go ahead.
22	questions. Yeah	22	THE WITNESS: If there's
23	BY MR. PIFKO:	23	diversion occurring I mean,
24	Q. I'm trying to ask you a	24	that's the reason why we have
23	questions. Yeah BY MR. PIFKO:	23	THE WITNESS: If there's diversion occurring I mean,

	Christopher Zimmerman		(
	Page 166		Page 168
1	controls in place, to protect and	1	orders that might be diverted into
2	to guard against diversion.	2	other-than-legitimate medical,
3	If a diversion occurs, then	3	scientific, and industrial channels.
4	that would have an impact.	4	Do you see that?
5	BY MR. PIFKO:	5	A. I do.
6	Q. Thank you.	6	Q. Do you agree with that
7	Let's go to the second page	7	statement?
8	of the letter, ABDCMDL 00269692.	8	MR. NICHOLAS: Object to the
9	Are you on that page?	9	form.
10	A. Yes.	10	THE WITNESS: Given the
11	Q. I want to read you a section	11	no, I don't agree.
12	from the second paragraph there; second	12	BY MR. PIFKO:
13	paragraph, second sentence.	13	Q. And what's the basis for
14		14	your disagreement?
15	manufacturers, distributors, pharmacies	15	A. Because up until this
16	and practitioners share responsibility	16	letter, all of our interactions with DEA
17	for maintaining appropriate safeguards	17	and our consultations and meetings and
18	against diversion.	18	presentations, there had never been any
19	Do you agree with that	19	indication, up until this time, that we
20	statement?	20	_
21	A. Yes.	21	It's the first time I've seen that
22	Q. It says, a little bit	22	statement.
23	further down, Given the extent of	23	Q. Let's go to the third page,
24	prescription drug abuse in the United	24	ABDCMDL 00269693. Tell me when you're
		1	
	Daga 167		Page 160
1	Page 167	1	Page 169
	States, along with the dangerous and		there.
2	States, along with the dangerous and potentially lethal consequences of such	2	there. A. Yes.
3	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that	3	there. A. Yes. Q. Do you see the heading at
3 4	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate	3 4	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be
2 3 4 5	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm.	2 3 4 5	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion?
2 3 4 5 6	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that	2 3 4 5 6	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that?
2 3 4 5 6 7	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement?	2 3 4 5 6 7	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes.
2 3 4 5 6 7 8	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object	2 3 4 5 6 7 8	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four
2 3 4 5 6 7 8	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're	2 3 4 5 6 7 8	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items.
2 3 4 5 6 7 8 9	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this	2 3 4 5 6 7 8 9	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that?
2 3 4 5 6 7 8 9 10	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this paragraph, that you read the first	2 3 4 5 6 7 8 9 10	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that? A. Yes.
2 3 4 5 6 7 8 9 10 11 12	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this paragraph, that you read the first sentence of the paragraph as well.	2 3 4 5 6 7 8 9 10 11	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that? A. Yes. Q. Do you believe that the DEA
2 3 4 5 6 7 8 9 10 11 12 13	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this paragraph, that you read the first sentence of the paragraph as well. THE WITNESS: I don't know	2 3 4 5 6 7 8 9 10 11 12 13	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that? A. Yes. Q. Do you believe that the DEA communicated this information to you?
2 3 4 5 6 7 8 9 10 11 12	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this paragraph, that you read the first sentence of the paragraph as well. THE WITNESS: I don't know the answer to your question.	2 3 4 5 6 7 8 9 10 11 12 13	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that? A. Yes. Q. Do you believe that the DEA communicated this information to you? MR. NICHOLAS: Object to the
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2 3 3 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this paragraph, that you read the first sentence of the paragraph as well. THE WITNESS: I don't know the answer to your question. Because I don't know. BY MR. PIFKO: Q. Let's go down a little bit further toward the third-to-last	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that? A. Yes. Q. Do you believe that the DEA communicated this information to you? MR. NICHOLAS: Object to the form. THE WITNESS: In this letter? We received this letter, yes.
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2 3 3 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this paragraph, that you read the first sentence of the paragraph as well. THE WITNESS: I don't know the answer to your question. Because I don't know. BY MR. PIFKO: Q. Let's go down a little bit further toward the third-to-last paragraph. In addition it says, Thus, in addition to reporting all	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that? A. Yes. Q. Do you believe that the DEA communicated this information to you? MR. NICHOLAS: Object to the form. THE WITNESS: In this letter? We received this letter, yes. BY MR. PIFKO: Q. And then there's another paragraph with ten items.
2 3 3 4 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	States, along with the dangerous and potentially lethal consequences of such abuse, even just one distributor that uses its DEA registration to facilitate diversion can cause enormous harm. Do you agree with that statement? MR. NICHOLAS: I'll object to the form. And ask if you're going to read portions of this paragraph, that you read the first sentence of the paragraph as well. THE WITNESS: I don't know the answer to your question. Because I don't know. BY MR. PIFKO: Q. Let's go down a little bit further toward the third-to-last paragraph. In addition it says, Thus, in addition to reporting all suspicious orders, a distributor has a	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	there. A. Yes. Q. Do you see the heading at the top is, Circumstances That Might Be Indicative of Diversion? Do you see that? A. Yes. Q. It's got a list of four items. Do you see that? A. Yes. Q. Do you believe that the DEA communicated this information to you? MR. NICHOLAS: Object to the form. THE WITNESS: In this letter? We received this letter, yes. BY MR. PIFKO: Q. And then there's another paragraph with ten items. Do you see that?
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	Christopher Zimmerman		(1111101110011001011)
	Page 170		Page 172
1	communicated this information to you?	1	Q. Do you have any reason to
2	MR. NICHOLAS: Object to the	2	dispute that this is a document from
3	form.	3	AmerisourceBergen's files?
4	THE WITNESS: In with	4	A. No.
5	this letter, yes.	5	Q. Do you dispute that this is
6		6	a true and correct copy of what was in
7	(Whereupon, Amerisource	7	this document?
8	Bergen-Zimmerman Exhibit-7,	8	A. I don't know that, because
9	ABDCMDL 00000101-122, was marked	9	I'm not familiar with this presentation.
10	for identification.)	10	Q. You just took some time to
11		11	review the presentation, correct?
12	BY MR. PIFKO:	12	A. Yes.
13	Q. I'm handing you what has	13	Q. The title of the
14	been marked as Exhibit-7.	14	
15	Please take a moment to	15	Diversion Control Program, Effective June
16	review this document and let me know when	16	25, 2007.
17	you're done.	17	Do you see that?
18	For the record, it's Bates	18	A. Yes.
19	labeled ABDCMDL 00000101 through 122.	19	Q. You're familiar with the
20	Let me know when you're done	20	changes that AmerisourceBergen made to
21	· · · · · · · · · · · · · · · · · · ·	21	
22	A. Okay.		of the settlement with the DEA, correct?
23	Q. Have you seen this document	23	A. Correct.
24	before?	24	Q. Does this reflect changes
	Page 171		Page 173
1	A. I don't know if I've seen		that were made to the policy as a result
2	this exact document, but I've seen	2	of that gottlamont?
			of that bethement.
3	presentations that have this material in	3	MR. NICHOLAS: Object to the
	them.	3 4	MR. NICHOLAS: Object to the form.
4 5	them. Q. When you say that, what do	3 4 5	MR. NICHOLAS: Object to the
4 5 6	them. Q. When you say that, what do you mean by that?	3 4 5 6	MR. NICHOLAS: Object to the form. THE WITNESS: Yes, I believe so.
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	ii (Amerisourcebergen)
Page 174	Page 176
¹ A. He does.	statement of the CFR1301.71.
Q. His title at this time is	² BY MR. PIFKO:
³ senior director, corporate security and	³ Q. It's a statement of
⁴ regulatory affairs.	⁴ AmerisourceBergen's regulatory
5 Do you see that?	⁵ responsibility under this provision; is
6 A. Yes.	6 that correct?
Q. When he was in that title,	7 MR. NICHOLAS: Object to the
8 he reported to you?	8 form.
9 A. Yes.	9 THE WITNESS: It's the
Q. Was he a direct report to	statement of Tor an
11 you at this time?	distributors. It's 1501.71(a).
A. He was.	12 BY MR. PIFKO:
Q. Did you instruct him to give	Q. I'm not trying to trick you
presentations about AmerisourceBergen's	14 into something.
¹⁵ diversion control program as it was	¹⁵ I'm just asking, is it your
¹⁶ changed from the DEA settlement?	¹⁶ understanding that 1301.71(a) applies to
A. He did presentations, yes.	¹⁷ AmerisourceBergen?
Q. Do you know to whom he did	MR. NICHOLAS: Object to the
¹⁹ presentations?	¹⁹ form.
A. I don't know specifically.	Go ahead.
Q. You said you've seen	THE WITNESS: It does apply
²² versions of this document.	to AmerisourceBergen as a
Do you believe this was	registrant.
24 something that would have been presented	²⁴ BY MR. PIFKO:
Page 175	Page 177
¹ to people inside the company?	Q. And it says, All applicants
1 1	
MR NICHOLAS: Object to the	² and registrants shall provide effective
WIR. INICITOLIAS. Object to the	² and registrants shall provide effective
form. Mischaracterizes the	³ controls and procedures to guard against
form. Mischaracterizes the testimony.	 controls and procedures to guard against theft and diversion of controlled
form. Mischaracterizes the testimony. THE WITNESS: It doesn't say	 controls and procedures to guard against theft and diversion of controlled substances.
form. Mischaracterizes the testimony. THE WITNESS: It doesn't say who this was actually presented	 controls and procedures to guard against theft and diversion of controlled substances. Do you see that?
form. Mischaracterizes the testimony. THE WITNESS: It doesn't say who this was actually presented to. So I don't know.	 controls and procedures to guard against theft and diversion of controlled substances. Do you see that? A. Yes.
form. Mischaracterizes the testimony. THE WITNESS: It doesn't say who this was actually presented to. So I don't know. BY MR. PIFKO:	 3 controls and procedures to guard against 4 theft and diversion of controlled 5 substances. 6 Do you see that? 7 A. Yes. 8 Q. Do you agree that's what it
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	Christopher Zimmerman		(Allier Isour Cebergeir)
	Page 178		Page 180
1	controlled substances?	1	Q. And afterwards it says, No
2	MR. NICHOLAS: Object to the	2	problem.
3	form.	3	Let's look at the first one.
4	THE WITNESS: It appears	4	A. Yes.
5	that it lists the different	5	Q. Physical security controls.
6	elements under that section and	6	No problem.
7	states the relating Code of	7	Do you see that?
8	Federal Regulation's section and	8	A. Yes, I see that.
9	how companies may again, I	9	Q. Records and reports of
10	don't know who this was to,	10	registrants. No problem.
11	whether it was internally, to	11	Do you see that?
12	distributors. I'm not sure who	12	A. Yes.
13	the customer was of the	13	Q. Orders for filling for
14	presentation.	14	Schedule I and II controlled substances.
15	But it's just reiterating	15	No problem.
16	items that fall underneath each of	16	Do you see that?
17	the CFR sections.	17	A. Yes.
18	BY MR. PIFKO:	18	Q. Other security controls-make
19	Q. Do you believe or do you	19	a good faith inquiry; report suspicious
20	have an understanding that	20	orders; report significant losses. Gray
21	AmerisourceBergen has a responsibility to	21	
22		22	Do you see that?
	here?	23	A. Yes.
24	MR. NICHOLAS: Object to the	24	Q. Do you have an understanding
	•		
	Page 179		Page 181
1	Page 179 form.	1	Page 181 about what it means by "gray area"?
1 2	Page 179 form. THE WITNESS: These are	2	Page 181 about what it means by "gray area"? A. I think what they're
1 2 3	Page 179 form. THE WITNESS: These are sections that we that fall	3	Page 181 about what it means by "gray area"? A. I think what they're referring to, under these regulations,
1 2	Page 179 form. THE WITNESS: These are sections that we that fall under the distributor	3 4	Page 181 about what it means by "gray area"? A. I think what they're referring to, under these regulations, are say 1301.72, physical security
1 2 3 4 5	Page 179 form. THE WITNESS: These are sections that we that fall under the distributor requirements, yes.	2 3 4 5	Page 181 about what it means by "gray area"? A. I think what they're referring to, under these regulations, are say 1301.72, physical security controls, that the DEA has been very
1 2 3 4 5 6	Page 179 form. THE WITNESS: These are sections that we that fall under the distributor requirements, yes. BY MR. PIFKO:	2 3 4 5 6	Page 181 about what it means by "gray area"? A. I think what they're referring to, under these regulations, are say 1301.72, physical security controls, that the DEA has been very specific.
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1 2 3 4 5 6	Page 179 form. THE WITNESS: These are sections that we that fall under the distributor requirements, yes. BY MR. PIFKO:	2 3 4 5 6	Page 181 about what it means by "gray area"? A. I think what they're referring to, under these regulations, are say 1301.72, physical security controls, that the DEA has been very specific.
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	form. THE WITNESS: These are sections that we that fall under the distributor requirements, yes. BY MR. PIFKO: Q. And do you believe that they apply to AmerisourceBergen? A. Yes. Q. Under CFR1301.74 do you see that at the bottom? A. Yes. Q. It says for all the other ones above, it says a statement of the regulation with a short summary, and it says, No problem. Do you see that? A. I'm sorry, where? Q. If you look at each regulation, it's got a number, a bold heading, a subject of that, and then it has a brief summary of it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Page 181 about what it means by "gray area"? A. I think what they're referring to, under these regulations, are say 1301.72, physical security controls, that the DEA has been very specific. So vaults need to have poured-in-place concrete, 8 inches thick, half-inch rebar, 6 inches on center. And cages have to be developed of 10-gauge steel. Openings can't be more than 2.5 inch diameter across. The structure has to be built on 6-inch 1-inch posts with 6 inches apart. They're very specific. With regards to reports, it explains exactly how often you have to do inventories, how to annotate it. It's black-and-white. And then also with the schedule order 222 forms, it states that you can't complete a line that has any

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	Page 182		Page 184
1	reporting suspicious orders, it's very	1	not relieve the distributor of the
2	a gray area, because it's not	2	responsibility to maintain effective
3	black-and-white. It doesn't say over	3	controls to prevent diversion.
4	five or less than four. And with	4	Do you see that?
5	significant losses, there's no	5	A. Yes.
6	definition. Is it a thousand? Is it	6	Q. Do you have an understanding
7	one? Is it five? Is it 10,000?	7	about what that means?
8	So that's, I believe, I	8	MR. NICHOLAS: Object to the
9	don't want to speak for Steve Mays, but I	9	form.
10	believe that's the inference, is that DEA	10	THE WITNESS: That you can't
11	has been very diligent about laying out	11	just have a system that has
12	responsibilities, black-and-white,	12	that reports suspicious orders and
13	through all these requirements, and then	13	not have not have effective
14	this one area is they're not very	14	controls in all the other areas we
15	specific at all. It's very open-ended.	15	just mentioned. It doesn't
16	If that makes sense.	16	relieve your responsibility to
17	Q. Let's go to the next page.	17	maintain effective controls.
18	It's got another CFR section	18	BY MR. PIFKO:
19	here well, actually, the one we were	19	Q. Right. So just reporting a
20	just talking about, part of it.	20	suspicious order doesn't discharge your
21	Do you see that?	21	responsibility under The Controlled
22	A. Yes.	22	Substances Act, correct?
23	Q. It says, The registrant	23	A. For recordkeeping, all those
24	shall design and operate a system to	24	other ones we kind of just went through.
	Page 183		Page 185
1	Page 183 disclose to the registrant suspicious	1	Page 185 They are all grouped under the same
	disclose to the registrant suspicious	1	They are all grouped under the same
	disclose to the registrant suspicious orders of controlled substances. The	2	They are all grouped under the same section, effective controls to prevent
3	disclose to the registrant suspicious orders of controlled substances. The registrant shall inform field diversion	3	They are all grouped under the same section, effective controls to prevent diversion, 1301. All of these are in
3 4	disclose to the registrant suspicious orders of controlled substances. The registrant shall inform field diversion office of the administration in his area	3	They are all grouped under the same section, effective controls to prevent diversion, 1301. All of these are in 1301.
3 4	disclose to the registrant suspicious orders of controlled substances. The registrant shall inform field diversion office of the administration in his area of suspicious orders when covered by the	2 3 4 5	They are all grouped under the same section, effective controls to prevent diversion, 1301. All of these are in 1301. So just doing one of 1301,
2 3 4 5	disclose to the registrant suspicious orders of controlled substances. The registrant shall inform field diversion office of the administration in his area of suspicious orders when covered by the registrant.	2 3 4 5 6	They are all grouped under the same section, effective controls to prevent diversion, 1301. All of these are in 1301. So just doing one of 1301, 74, doesn't relieve you of all the other
2 3 4 5 6	disclose to the registrant suspicious orders of controlled substances. The registrant shall inform field diversion office of the administration in his area of suspicious orders when covered by the	2 3 4 5 6	They are all grouped under the same section, effective controls to prevent diversion, 1301. All of these are in 1301. So just doing one of 1301, 74, doesn't relieve you of all the other items under 1301.71.
2 3 4 5 6 7	disclose to the registrant suspicious orders of controlled substances. The registrant shall inform field diversion office of the administration in his area of suspicious orders when covered by the registrant. Do you see that?	2 3 4 5 6 7	They are all grouped under the same section, effective controls to prevent diversion, 1301. All of these are in 1301. So just doing one of 1301, 74, doesn't relieve you of all the other items under 1301.71. Q. The next bullet point says,
2 3 4 5 6 7 8	disclose to the registrant suspicious orders of controlled substances. The registrant shall inform field diversion office of the administration in his area of suspicious orders when covered by the registrant. Do you see that? A. Yes.	2 3 4 5 6 7 8	They are all grouped under the same section, effective controls to prevent diversion, 1301. All of these are in 1301. So just doing one of 1301, 74, doesn't relieve you of all the other items under 1301.71. Q. The next bullet point says,
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	Page 186		Page 188
1	A. That was the discussion in	1	told you this?
2	our negotiations with DEA, is that you	2	A. If you go to the one above
3	have to make a business decision whether	1	it, DEA will not tell a distributor you
4	you want to complete the transaction.	1	should or should not ship an order.
5	It's up to the business to make that	5	There's nothing about
6	decision.	6	suspicious order in that statement.
7	Q. What's a business what's	7	And then the second one is
8	a business decision mean?	8	we have to we have to make a decision
9	MR. NICHOLAS: Objection.	9	on what orders we ship and which orders
10	Object to the form. You're asking	10	we do not ship. We also have to make a
11	him what the DEA meant by	11	decision which orders are suspicious and
12	"business"?	12	we need to report.
13	MR. PIFKO: I didn't ask him	13	Q. You said earlier, just a few
14	that. You're telling him what to	14	moments ago, that was the discussion in
15	say. Stop doing that.	15	our negotiations with DEA, is that you
16	THE WITNESS: The	16	have to make a business decision whether
17	business the decision is based	17	to you want to complete the
18	upon the information you have and	18	transaction.
19	whether again, this talks	19	Do you recall saying that?
20	this isn't talking about shipping	20	MR. NICHOLAS: I'll object
21	a suspicious order, this is	21	to this. I'll object to the
22	talking about shipping an order.	22	practice of apparently trying to
23	So if a customer has a	23	cross-examine Mr. Zimmerman with
24	patient need that they need to	24	testimony he's given in this
	Page 187		Page 189
1 4	_	,	_
1	fulfill, then we need to make a	1	deposition.
2	fulfill, then we need to make a decision whether we ship that	2	deposition. This is a 30(b)(6). You're
2 3	fulfill, then we need to make a decision whether we ship that product or not. It's our decision	2 3	deposition. This is a 30(b)(6). You're supposed to be seeking
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	Page 190		Page 192
1	MR. NICHOLAS: Object to the	1	the outsiness decision.
2	form.	2	BY MR. PIFKO:
3	Go ahead.	3	Q. And when did they tell you
4	THE WITNESS: And so you	4	that? You said in your negotiations?
5	asked me what our discussion is	5	A. In negotiations in 2007.
6	about making transactions, and my	6	Q. And they made a presentation
7	response was it's our decision.	7	to you?
8	Yes, I said that.	8	A. In 2005.
9	BY MR. PIFKO:	9	Q. And they used that exact
10	Q. So you said that you	10	language, the business decision, that's
11	discussed this business decision in your	11	in quotes?
12	negotiations with DEA.	12	A. I believe so. I believe so.
13	MR. NICHOLAS: Object to the	13	Q. Do you have a copy of that
14	form.	14	presentation that you believe that DEA
15	THE WITNESS: I said	15	made to you in your office somewhere?
16	MR. NICHOLAS: This is	16	A. We may have it somewhere,
17	cross-examination.	17	•
18	Go ahead.	18	Q. Did you make any attempts to
19	THE WITNESS: If there's	19	look for it?
20	confusion, I said that came	20	MR. NICHOLAS: Objection.
21	that was brought up by DEA. It	21	We're making productions as we're
22	wasn't brought up by ABC.	22	required to do in this case.
23	That was that business	23	THE WITNESS: Is there a
24	decision context is, you can find	24	question?
	Page 101		Page 103
1	Page 191	1	Page 193
	previous DEA presentations where	1 2	BY MR. PIFKO:
1 2 3	previous DEA presentations where they make that statement. That	2	BY MR. PIFKO: Q. I asked if you made any
2	previous DEA presentations where they make that statement. That isn't an ABC term. That was a DEA	2 3	BY MR. PIFKO: Q. I asked if you made any attempt to look for that document?
2 3 4	previous DEA presentations where they make that statement. That isn't an ABC term. That was a DEA term. Just to clarify the record.	3 4	BY MR. PIFKO: Q. I asked if you made any attempt to look for that document? A. No, I did not.
2 3 4 5	previous DEA presentations where they make that statement. That isn't an ABC term. That was a DEA term. Just to clarify the record. BY MR. PIFKO:	2 3 4 5	BY MR. PIFKO: Q. I asked if you made any attempt to look for that document? A. No, I did not. Q. Is that something you
2 3 4 5 6	previous DEA presentations where they make that statement. That isn't an ABC term. That was a DEA term. Just to clarify the record. BY MR. PIFKO: Q. That's what I'm trying to	2 3 4 5 6	BY MR. PIFKO: Q. I asked if you made any attempt to look for that document? A. No, I did not. Q. Is that something you said you might have that in your office
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	Page 194		Page 196
1	Go ahead.		Steve Mays and maybe Mike Mapes from the
2	BY MR. PIFKO:	2	DEA?
3	Q. Was anyone else present at	3	MR. NICHOLAS: If you can
4	this presentation that you're referring	4	answer that and it doesn't involve
5	to?	5	attorney-client communications,
6	A. Steve Mays.	6	that's fine. If not, please don't
7	Q. And who specifically from	7	answer.
8	the DEA was there?	8	THE WITNESS: I can't
9	A. I was not there. I	9	answer.
10	believe I believe Mike Mapes.	10	BY MR. PIFKO:
11	Q. Anyone else?	11	Q. So the only conversations
12	A. I don't know, because I	12	you may have had about this meeting
13	wasn't there.	13	were involved counsel?
14	Q. Did you undertake any	14	MR. NICHOLAS: I'm going to
15	effort, in connection with preparing for	15	instruct him not to answer.
1	this deposition, to learn about	16	BY MR. PIFKO:
17	communications with the DEA that might	17	Q. You're unable to answer any
18	have occurred?	18	questions about inquiries about this
19	A. In what context?	19	meeting based on the attorney-client
20	Q. Concerning The Controlled	20	privilege; is that correct?
21	Substances Act.	21	MR. NICHOLAS: I'll instruct
22	MR. NICHOLAS: Object to the	22	him not to answer. I'm
23	form.	23	instructing him not to answer. He
24	THE WITNESS: I'm not	24	doesn't have to answer questions
	Page 195		Page 197
1	_	1	_
2	understanding your question. I'm	2	about this.
3	sorry. BY MR. PIFKO:	3	MR. PIFKO: I'm trying to
4		4	understand the privilege that's
5	Q. I'm just asking if you tried	5	being asserted here.
	to learn about the company's	6	MR. NICHOLAS: It's the
7	communications with the DEA in connection	7	attorney-client privilege.
8	with preparing for this deposition.		MR. PIFKO: So the witness
9	A. Yes.	8	is being instructed not to answer
	Q. Did you ask anyone about		any questions about efforts he
10	that meeting that we were just talking	10	undertook to learn about this
11	about where Steve Mays and maybe Mike	11	meeting; is that correct?
		12	MR. NICHOLAS: No, not at
13	A. I think	13	all.
14	THE WITNESS: Is that a	14	MR. PIFKO: That's what I'm
15	legal question?	15	trying to understand. So I'm
16	MR. NICHOLAS: To the extent	16	asking the witness
17	this question invades the	17	MR. NICHOLAS: If the
18	attorney-client privilege, don't	18	witness undertook any efforts
19	answer it. I'll instruct you not	19	in at the direction of or, you
20	to answer it.	20	know, in conjunction with attorney
21	DI MICI II NO.	21	communications, then I'm only
22	Q. All I'm asking is if you	22	instructing him to answer in that
23	asked anyone other than counsel about	23	respect.
24	this meeting where in 2005 between	24	BY MR. PIFKO:
		1	

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Page 198 1 O Aside from any efforts at	Page 200
Q. Tiside from any errores at	TOTHI.
² the direction of counsel or in	do ancad.
³ conjunction with an attorney, did you	THE WITNESS: So part of our
⁴ engage in any efforts to learn about this	agreement was to, we created a
⁵ DEA meeting between Steve Mays and Mike	⁵ questionnaire that would be
⁶ Mapes in 2005?	6 completed by the customer and our
⁷ A. No.	⁷ sales individual, which included,
⁸ Q. You don't know if anyone	you know, questions about the
⁹ else was present besides the two of them?	⁹ pharmacy, the pharmacist in
A. I don't know.	charge, prior history, those type
Q. Let's go to the next page.	of questions.
MR. NICHOLAS: For planning	And then also it included
purposes, purely a scheduling	pictures of the inside and the
thing, after you get through this	outside of the facility. And then
document	we would take that 590 form back
MR. PIFKO: We'll take a	to CSRA, and they would then
break.	verify the information, do some
MR. NICHOLAS: For lunch or	checks on the pharmacy and the
a short break, whatever you	pharmacist in charge in order to
prefer.	know our customer, in addition to
21 BY MR. PIFKO:	verification of the licenses.
Q. I'm on ABDCMDL 0000106.	²² BY MR. PIFKO:
Are you there?	Q. At what point in the process
24 A. Yes.	was this Form 590 used
Page 199	Page 201
Q. It says, ABCD sorry.	¹ MR. NICHOLAS: Object to the
 Q. It says, ABCD sorry. ABC's diversion control program. It's 	¹ MR. NICHOLAS: Object to the form.
 Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. 	 MR. NICHOLAS: Object to the form. BY MR. PIFKO:
 Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? 	1 MR. NICHOLAS: Object to the 2 form. 3 BY MR. PIFKO: 4 Q in connection with the
 Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? A. Yes. 	1 MR. NICHOLAS: Object to the 2 form. 3 BY MR. PIFKO: 4 Q in connection with the 5 customer relationship?
 Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? A. Yes. Q. "Know your customer" due 	1 MR. NICHOLAS: Object to the 2 form. 3 BY MR. PIFKO: 4 Q in connection with the 5 customer relationship? 6 A. It was used prior to
Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? A. Yes. Q. "Know your customer" due diligence.	MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q in connection with the customer relationship? A. It was used prior to onboarding the customer, after 2000
 Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? A. Yes. Q. "Know your customer" due 	MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q in connection with the customer relationship? A. It was used prior to onboarding the customer, after 2000 after June 2007.
Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? A. Yes. Q. "Know your customer" due diligence. Know your customer is in quotes.	MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q in connection with the customer relationship? A. It was used prior to onboarding the customer, after 2000 after June 2007. Q. Okay.
Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? A. Yes. Q. "Know your customer" due diligence. Know your customer is in quotes. What does that mean?	MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q in connection with the customer relationship? A. It was used prior to onboarding the customer, after 2000 after June 2007. Q. Okay. A. Yeah, 2007.
Q. It says, ABCD sorry. ABC's diversion control program. It's got some bullet points here. Are you familiar with these? A. Yes. Q. "Know your customer" due diligence. Know your customer is in quotes.	MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q in connection with the customer relationship? A. It was used prior to onboarding the customer, after 2000 after June 2007. Q. Okay. A. Yeah, 2007. Q. So after June 25th, 2007,
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Page 202 Page 204 Q. And so it's your O. Pre 2007. ² understanding that there was no "know A. Pre it was my department's your customer" requirement for existing ³ responsibility to collect the licensing customers as of June 25th, 2007? ⁴ information and maintain, through MR. NICHOLAS: Object to the ⁵ systems, an auditing function, to ensure 6 ⁶ that the customers retained their license form. 7 ⁷ and that they were scheduled in the THE WITNESS: So prior -- I 8 mean, the regulation requires a appropriate schedules, II, III, IV and V 9 good faith inquiry that they're that we talked about, and ensure that we 10 properly licensed, and we did were properly loaded and maintained. 11 that. We ensured that all 11 Q. And then post June 25th, 12 2007, it was the sales associates' pharmacies were licensed by both 13 DEA and any state regulatory responsibility to fill out the Form 590 14 authorities prior to that; in based on information from the customer? 15 15 MR. NICHOLAS: Object to the addition to the other information 16 16 obtained from a customer, credit form. 17 17 information, that type. THE WITNESS: They would, in ¹⁸ BY MR. PIFKO: 18 conjunction with the customer, 19 19 Q. So other than credit complete the information on the 20 form. And then they would provide ²⁰ information and, as you say, a good faith ²¹ inquiry that they're properly licensed, 21 that to my department. 22 there was no other "know your customer" 22 And we would do all the 23 ²³ requirements for existing customers as of verification and background 24 ²⁴ June 25th, 2007? information and due diligence Page 203 Page 205 1 1 prior to opening the account. So MR. NICHOLAS: Object to the 2 2 the salesperson was merely there form. I'm not sure that was his 3 testimony. to collect the information, and then my group would verify that. 4 4 Go ahead. 5 THE WITNESS: So as I BY MR. PIFKO: O. What efforts did you take to 6 stated, the "know your" -- the 6 7 big -- the "know your customer" verify that information? due diligence process was an 8 A. So we would go on state Board of Pharmacy sites; we would, you 9 addition to the 590 questionnaire. 10 know, ensure that the pharmacist was 10 And we had sales individuals that 11 ¹¹ properly licensed; we would look at would go to the facility before we 12 opened them up, of course, and enforcement action or history, DEA 13 then collect, as I indicated, the ¹³ history, if they had any. And those type 14 credit information, the licensing of things. 15 15 information. And that was -- that Q. Anything else? 16 16 was pretty much the process prior MR. NICHOLAS: Object to the 17 17 to 2007. form. 18 18 BY MR. PIFKO: Go ahead. 19 19 THE WITNESS: I'm sure there Q. And it's the sales 20 associate's job to obtain the information was a lot more. That's -- off the ²¹ about the customer? 21 top of my head, and that's what we 22 A. I'm not -- are you did. ²³ referencing the 590 or are we talking ²³ BY MR. PIFKO: 24 ²⁴ about pre --You can't think of anything

Page 208 Page 206 ¹ else, sitting here today? Q. Well, that's what I'm trying ² to understand. MR. NICHOLAS: Object to the 3 form. He just told you. So you're saying different MR. PIFKO: You have to stop 4 things, and we're going to -- I'm going 5 this, he just told you. You can ⁵ to ask you so we get an understanding. You just said the "know your 6 object. You can say your 7 objection. But you can't tell him ⁷ customer" due diligence process was for 8 stuff. You keep doing that. It's ⁸ the onboarding of new customers. But 9 then you said once they were onboarded, improper. 10 MR. NICHOLAS: I don't keep 10 they were treated -- there was --11 doing it. But sometimes I get a ¹¹ depending on the activity. 12 little exacerbated, because I So I'm just trying to 13 think you're being unfair to the ¹³ understand. This "know your customer" 14 witness. due diligence, this is just a process for 15 onboarding new customers; is that THE WITNESS: That's what I 16 correct? remember. 17 17 BY MR. PIFKO: A. Correct. At this time, in 18 Q. That's all you remember? ¹⁸ 2007. 19 19 A. At the moment, yes. Q. At any time after 2007 was 20 ²⁰ there an expansion of the "know your Q. After filling out this form, ²¹ was there any ongoing responsibility of customer" due diligence process beyond the onboarding of a new customer? 22 the sales associate to obtain "know your 23 ²³ customer" information about A. It continually changed over ²⁴ AmerisourceBergen's customers? ²⁴ time and enhanced. The form would -- you Page 207 Page 209 ¹ know, we would add more information as we A. Not in the -- in the sense ² that they regularly visit their customers ² went. So as we gained more information ³ and that relationship, but not from a ³ and knowledge, we would -- the form would ⁴ regulatory standpoint. ⁴ change. So it did change over time. Q. How about anyone else at the And then there was ongoing ⁶ company; did anyone else at the company due diligence of the customers, I think ⁷ undertake an effort to know your is what you were getting at. 8 customer, perform "know your customer" Q. And what kind of ongoing due due diligence after the Form 590 was diligence was there? Let's be specific ¹⁰ filled out? about what time periods we're talking 11 ¹¹ about. MR. NICHOLAS: Object to the 12 So in June 25, 2007, what form. 13 ¹³ ongoing due diligence was conducted by THE WITNESS: I guess I'm AmerisourceBergen of its customers? 14 not understanding your question. 15 The "know your customer" due A. So that would almost 16 diligence process was for the probably fall under the investigations 17 onboarding of new customers. Once bucket, depending upon the activity of 18 they were onboarded, they were the customer, whether they wanted 19 treated like -- I mean, they were changes, whether they were, you know, 20 customers. So there wouldn't be being changed in the program, whether 21 ongoing diligence; there could be, they were increasing sales or changing 22 depending upon the activity of the areas of service, we may have to do 23 ²³ additional due diligence on those customer. ²⁴ customers to support whatever activity BY MR. PIFKO:

Christopher Zimmerman	ii (iiiici ibodi cebel geii)
Page 210	Page 212
¹ was occurring.	object to the form. There's been
² Q. Who would be responsible for	² testimony on this.
³ performing that due diligence?	Go ahead.
⁴ A. That would be the diversion	⁴ THE WITNESS: I mean, the
⁵ control folks.	⁵ due diligence didn't stop. I
⁶ Q. And when you say they wanted	6 mean, it continued whether
⁷ changes, what kind of changes do you	depending on what the issues were,
8 mean? Like changes to their thresholds?	8 and it's still in place today.
⁹ A. That could be one. If they	⁹ BY MR. PIFKO:
10 took on new business, if they took on a	Q. I guess what I'm trying to
11 new nursing home that required additional	get at is whether there were any specific
¹² prescriptions that were going to be	¹² articulated, expressed policies
13 flowing through the customer; whatever	concerning due diligence that were added
things could impact their business.	¹⁴ after June 25th, 2007.
Q. Any other types of things,	MR. NICHOLAS: Object to the
like when you talk about changes that a	form. We're talking now between
¹⁷ customer would request, that you're	2007, 2014, right?
18 referring to?	MR. PIFKO: Correct.
¹⁹ MR. NICHOLAS: Object to the	THE WITNESS: I don't know.
20 form.	20 BY MR. PIFKO:
THE WITNESS: I mean,	Q. Let's go to the next page.
there's a whole host of things	MR. NICHOLAS: It's a longer
that could go into whether they	document than I thought, so I may
required due diligence. Whether	ask to take a break before you get
required due diffigence. Whether	disk to take a break before you get
Page 211	Page 213
they had you know, if there was	¹ through it.
they had you know, if there was an issue, if we had a suspicious	through it. MR. PIFKO: I'm not going to
they had you know, if there was an issue, if we had a suspicious order being reported, we may	through it. MR. PIFKO: I'm not going to go through the entire history. I
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Page 214 Page 216 1 negotiations with DEA, as we were ¹ June until August, we want you to ² implement the program and then we're 2 developing this new, enhanced 3 ³ going to come in and audit you. We'll program, was who would this apply to. And they exempted retail ⁴ give you a two-month run to make sure 5 chain pharmacies, I believe it ⁵ you're completing your processes. And if ⁶ it's acceptable, after we do five 6 was, over ten. There was a number 7 that constituted chain. And that ⁷ inspections at your facilities and your 8 corporate headquarters, then we will was during the negotiation process 9 with DEA. release you. 10 10 BY MR. PIFKO: So there was a lot of 11 meetings and a lot of discussions around Q. And so the DEA told AmerisourceBergen that they could exempt a lot of these -- a lot of these points. 13 them from this process? Q. Did you have an 14 A. Yes. understanding as to why retail chain 15 Q. Was that in writing? pharmacies, as you said, of ten or more, were exempted from this requirement? 16 A. That was the program we developed. That was the program they 17 A. Because at the time, the reviewed before they released our issue was a lot was around Internet 19 license. They went out and audited five pharmacies. And part of the 590 form, in ²⁰ of our facilities and inspected our addition to the pharmacists in charge, program and processes and our 590 forms, ²¹ they also wanted ownership information. ²² and they gave us our license back. So a lot of the due Q. Were there any meetings at ²³ diligence was around who owned the ²⁴ which you participated with DEA where ²⁴ pharmacy. And it was a process. They Page 217 Page 215 ¹ that was discussed? ¹ figure chains are a corporate entity, ² they're all owned by -- so a lot of the A. Yes. Q. Was there more than one? ³ information really didn't apply. And A. So during this process of ⁴ that was a lot of the discussion of why ⁵ April, when we had our first immediate ⁵ the chains were exempted. ⁶ suspension order, through August, there Q. Any other aspects that you ⁷ was a negotiation process where I was can recall about why chains were exempted? ⁸ down there almost once a week with DEA ⁹ talking about the enhancements that they A. Not that I can remember. would like us to put into our programs. 10 Q. Let's go to Page, only two 11 And it was a back-and-forth ¹¹ more pages after, to 109. ¹² and a negotiation. And we talked about Are you there? ¹³ the thresholds, we talked about due 13 A. Yes. Q. The second bullet point

¹⁴ diligence. And we would provide the form 15 that we proposed and we would go back and ¹⁶ forth, add this, delete this, this. ¹⁷ Should it apply to hospitals? Should it 18 apply to retail? What about chains? 19 All of that was discussed

ship-and-report process. Do you see that?

says, Historically controlled

substance/listed chemical order

monitoring process has been based --

order monitoring has been based on a

21 A. Yes.

20

22 Q. That's what we talked about earlier, that prior to this date,

AmerisourceBergen's procedure was to ship

²⁴ acceptable program, they said, okay, from

²⁰ because they wanted to get this right out

And once we came up with an

21 of the gate. So there's a lot of

²² discussion.

	CIII ISCOPIIEI ZIIIIIIEI IIIai		
	Page 218		Page 220
1	the orders, and if there was anything	1	MR. NICHOLAS: At which
2	suspicious, they would report it the next	2	time?
3	morning or day?	3	THE WITNESS: Yeah, after
4	MR. NICHOLAS: Object to the	4	2000
5	form. Outside the scope.	5	BY MR. PIFKO:
6	Go ahead.	6	Q. I'm talking June 25th, 2007.
7	THE WITNESS: The process	7	A. After we implemented the new
8	prior to this was the one that was	8	program, our policy was not to ship a
9	previously accepted by DEA in	9	suspicious order, an order we deemed to
10	collaboration, and the process was	10	be suspicious.
11	to report the orders the	11	Q. I'm asking just because this
12	following it could be day, week	12	says we were just talking about
13	or month. It was up to the	13	reporting, but I'm talking about whether
14	regional DEA office of how they	14	you actually completed the shipment.
15	wanted the information.	15	So you're saying your
16	BY MR. PIFKO:	16	policy, as of June 25th, 2007 was not to
17	Q. Okay. But the emphasis	17	ship an order that you deemed to be
18	here, it's in bold, is ship and report.	18	suspicious?
19	So the idea is you're	19	A. Correct.
20	shipping first to the customer and then	20	Q. Okay.
21	later you're reporting?	21	A. It could have been June
22	A. Correct.	22	27th. Again, the final order wasn't
23	Q. And then it says, now	23	
24	well, it says, ABC's OMP process is now	24	So, again, I don't want you
		1	
	Paga 210		Paga 221
1	Page 219	1	Page 221
	based on: Identify, capture,		to hold me to it could be I think
2	based on: Identify, capture, investigate, and report suspicious	2	to hold me to it could be I think it was implemented on June 25th. It
3	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment.	3	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not
2 3 4	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is	3 4	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer
2 3 4 5	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold.	2 3 4 5	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our
2 3 4 5 6	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that?	2 3 4 5 6	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got
2 3 4 5 6 7	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes.	2 3 4 5 6 7	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was
2 3 4 5 6	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean?	2 3 4 5 6 7 8	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the
2 3 4 5 6 7 8	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of	2 3 4 5 6 7 8	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want
2 3 4 5 6 7 8 9	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week,	2 3 4 5 6 7 8 9	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that
2 3 4 5 6 7 8 9 10	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that	2 3 4 5 6 7 8 9 10	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime
2 3 4 5 6 7 8 9 10 11	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold	2 3 4 5 6 7 8 9 10 11	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that?
2 3 4 5 6 7 8 9 10 11 12 13	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to	2 3 4 5 6 7 8 9 10 11 12 13	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to call it, would identify an order of interest and then it was up to the up	2 3 4 5 6 7 8 9 10 11 12 13 14	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the time we lost our license until we got it back.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to call it, would identify an order of interest and then it was up to the up to us to then have to investigate that capture, stop it, review it and then	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the time we lost our license until we got it back. Q. I think just one more page, and then we can take a break.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to call it, would identify an order of interest and then it was up to the up to us to then have to investigate that capture, stop it, review it and then either determine whether it was suspicious or not. And you could either	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the time we lost our license until we got it back. Q. I think just one more page, and then we can take a break. Go to 114, please. Are you there?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to call it, would identify an order of interest and then it was up to the up to us to then have to investigate that capture, stop it, review it and then either determine whether it was suspicious or not. And you could either release it, reject it or report it.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the time we lost our license until we got it back. Q. I think just one more page, and then we can take a break. Go to 114, please. Are you there? A. Yes.
2 3 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to call it, would identify an order of interest and then it was up to the up to us to then have to investigate that capture, stop it, review it and then either determine whether it was suspicious or not. And you could either release it, reject it or report it. Q. At this time, if an order	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the time we lost our license until we got it back. Q. I think just one more page, and then we can take a break. Go to 114, please. Are you there? A. Yes. Q. The third bullet point says,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to call it, would identify an order of interest and then it was up to the up to us to then have to investigate that capture, stop it, review it and then either determine whether it was suspicious or not. And you could either release it, reject it or report it. Q. At this time, if an order was suspicious, was it	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the time we lost our license until we got it back. Q. I think just one more page, and then we can take a break. Go to 114, please. Are you there? A. Yes. Q. The third bullet point says, Each distribution center (DC) is
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	based on: Identify, capture, investigate, and report suspicious orders; all prior to shipment. And "prior to shipment" is in bold. Do you see that? A. Yes. Q. What does that mean? A. It means now that instead of reporting orders the next day, week, month, that you had to have a system that we developed, with whatever the threshold trigger, algorithm, whatever you want to call it, would identify an order of interest and then it was up to the up to us to then have to investigate that capture, stop it, review it and then either determine whether it was suspicious or not. And you could either release it, reject it or report it. Q. At this time, if an order	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	to hold me to it could be I think it was implemented on June 25th. It could have been July 1. I'm not Q. So in the summer A but that was our negotiated process. And when we got when DEA audited our facilities, it was in place, whether it was this date or the day before or the day after. I just want to be clear that Q. On or around the summertime of 2007, we can agree about that? A. Yes. It was between the time we lost our license until we got it back. Q. I think just one more page, and then we can take a break. Go to 114, please. Are you there? A. Yes. Q. The third bullet point says, Each distribution center (DC) is responsible for initial review of all

	Christopher Zimmerman	. 1	<u> </u>
	Page 222		Page 224
1	Do you see that?	1	any question, they kick it up to
2	A. Yes.	2	corporate. This was the process in place
3	Q. And then it says, If the DC	3	when DEA inspected our facilities. They
4	can determine the order is not	1	talked to the folks that were these
5	suspicious, the DC will release the	5	responsible people in charge, they
6	order.		watched how they reviewed the orders and
7	So is this saying it's up to		the process.
8	the distribution center to make the	8	So before they approved it,
9	determination about whether an order is	9	they actually saw it in action and who
10	suspicious or release it?		was reviewing them at the DC. And then
11	A. They have the first look at	11	also which orders they were kicking up
12	the order. Because, again, remember,	12	
	orders are processed at night, shipped	13	And then a report was
	the next day. These are these are	14	anything that was released that night by
	products that pharmacies need are	15	the responsible person, we got a report
	expecting that next morning, to service	16	that the manager reviewed the very next
17		17	day, just in the event that maybe there
18	So if a hospital orders	18	was an issue with training or they didn't
19		19	•
20	•		was also a QA function to that as well.
	if it's a suspicious order, and if not,	21	We just didn't have everyone
	they can release that order.	22	review orders and have the ability to
23	Q. And the distribution center	1	release them.
	staff who is responsible for making this	24	MR. PIFKO: We can take a
	•		
	D 222	1	D 225
	Page 223		Page 225
	determination is warehouse managers, case	1	break.
2	determination is warehouse managers, case clerks, data processing people; is that	2	break. VIDEO TECHNICIAN: Going off
2	determination is warehouse managers, case		break.
3 4	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as	2 3 4	break. VIDEO TECHNICIAN: Going off
3 4	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as responsible person. And we provide	2 3 4 5	break. VIDEO TECHNICIAN: Going off the record. The time is 12:30
3 4	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as	2 3 4 5 6	break. VIDEO TECHNICIAN: Going off the record. The time is 12:30
2 3 4 5	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as responsible person. And we provide	2 3 4 5	break. VIDEO TECHNICIAN: Going off the record. The time is 12:30 p.m.
2 3 4 5 6	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as responsible person. And we provide specific training in that area.	2 3 4 5 6	break. VIDEO TECHNICIAN: Going off the record. The time is 12:30 p.m. (Whereupon, a luncheon recess was taken.)
2 3 4 5 6 7	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as responsible person. And we provide specific training in that area. Q. What does a "responsible	2 3 4 5 6 7	break. VIDEO TECHNICIAN: Going off the record. The time is 12:30 p.m. (Whereupon, a luncheon
2 3 4 5 6 7 8	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as responsible person. And we provide specific training in that area. Q. What does a "responsible person" mean? A. The person that has the	2 3 4 5 6 7 8	break. VIDEO TECHNICIAN: Going off the record. The time is 12:30 p.m. (Whereupon, a luncheon recess was taken.)
2 3 4 5 6 7 8 9	determination is warehouse managers, case clerks, data processing people; is that correct? A. They are what we refer to as responsible person. And we provide specific training in that area. Q. What does a "responsible person" mean? A. The person that has the	2 3 4 5 6 7 8	break. VIDEO TECHNICIAN: Going off the record. The time is 12:30 p.m. (Whereupon, a luncheon recess was taken.) VIDEO TECHNICIAN: We're
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	Christopher Zimmermai	- т	(Timer ibour ceber gen)
	Page 226		Page 228
1	just ask him to take give him	1	CSA compliance were discussed with DEA.
2	just a minute to take a quick look	2	Generally, do you recall
3	at it and make sure he's familiar	3	that?
4	with the document before he	4	A. We've had ongoing
5	responds to these questions.	5	communications with DEA since I started
6	MR. PIFKO: I think we went	6	with the company. I referenced our
7	over these before.	7	negotiations with them in '96 to '98,
8	MR. NICHOLAS: I think you	8	with the suspicious order monitoring
9	showed him the one and asked him	9	program, which resulted in an approval
10	that question. He didn't look at	10	letter. And then the negotiations, in
11	all the letters. He looked at	11	2007.
12	one.	12	So we've had ongoing and
13	THE WITNESS: Okay.	13	we also provided training for DEA
14	BY MR. PIFKO:	14	diversion investigators from '99 to 2004
15	Q. Are you ready? It's a	15	or '05. So we've had an open dialogue
16	two-page letter here.	16	with DEA since I've been with the
17	A. Yes.	17	company.
18	Q. Did AmerisourceBergen	18	Q. Did anyone at the company
19	receive this letter?	19	discuss this statement with the DEA and
20	A. I believe so, at the	20	how it impacted some of the prior
21	distribution centers.	21	discussions that you may have had with
22	Q. And that would have been on	22	them?
23	or around the date of this letter,	23	MR. NICHOLAS: Object to the
24	December 27th, 2007?	24	form.
	Page 227		Page 229
1	Page 227 A. I would assume so.	1	Page 229 THE WITNESS: No.
1 2	A. I would assume so.		_
	A. I would assume so.Q. Let's go to the second		THE WITNESS: No. BY MR. PIFKO:
2 3	A. I would assume so.	2 3	THE WITNESS: No.
2 3	A. I would assume so. Q. Let's go to the second paragraph, last sentence or, sorry, second-to-last sentence.	2 3 4	THE WITNESS: No. BY MR. PIFKO: Q. For example, with respect to the business decision that we talked
2 3	A. I would assume so. Q. Let's go to the second paragraph, last sentence or, sorry, second-to-last sentence. Accordingly, DEA does not	2 3 4	THE WITNESS: No. BY MR. PIFKO: Q. For example, with respect to
2 3 4 5	A. I would assume so. Q. Let's go to the second paragraph, last sentence or, sorry, second-to-last sentence.	2 3 4	THE WITNESS: No. BY MR. PIFKO: Q. For example, with respect to the business decision that we talked about in Exhibit-7 that you recalled
2 3 4 5	A. I would assume so. Q. Let's go to the second paragraph, last sentence or, sorry, second-to-last sentence. Accordingly, DEA does not approve or otherwise endorse any specific	2 3 4 5 6	THE WITNESS: No. BY MR. PIFKO: Q. For example, with respect to the business decision that we talked about in Exhibit-7 that you recalled having been derived from a meeting in
2 3 4 5 6 7	A. I would assume so. Q. Let's go to the second paragraph, last sentence or, sorry, second-to-last sentence. Accordingly, DEA does not approve or otherwise endorse any specific system for reporting suspicious orders.	2 3 4 5 6 7	THE WITNESS: No. BY MR. PIFKO: Q. For example, with respect to the business decision that we talked about in Exhibit-7 that you recalled having been derived from a meeting in 2005, did anyone say to the DEA, as a
2 3 4 5 6 7 8	A. I would assume so. Q. Let's go to the second paragraph, last sentence or, sorry, second-to-last sentence. Accordingly, DEA does not approve or otherwise endorse any specific system for reporting suspicious orders. Past communications with DEA, whether	2 3 4 5 6 7 8	THE WITNESS: No. BY MR. PIFKO: Q. For example, with respect to the business decision that we talked about in Exhibit-7 that you recalled having been derived from a meeting in 2005, did anyone say to the DEA, as a result of this December 27th, 2007
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. I would assume so. Q. Let's go to the second paragraph, last sentence or, sorry, second-to-last sentence. Accordingly, DEA does not approve or otherwise endorse any specific system for reporting suspicious orders. Past communications with DEA, whether implicit or explicit, that could be construed as approval of a particular system for reporting suspicious orders should no longer be taken to mean that DEA approves a specific system. Do you see that? A. Yes. Q. Were you aware that that was a statement that the DEA had made to AmerisourceBergen at that time? A. Yes. Q. Did you discuss that with anyone at the company? A. No.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	THE WITNESS: No. BY MR. PIFKO: Q. For example, with respect to the business decision that we talked about in Exhibit-7 that you recalled having been derived from a meeting in 2005, did anyone say to the DEA, as a result of this December 27th, 2007 letter, we can no longer rely on that? MR. NICHOLAS: Object to the form. Only if you're asking about any conversation anyone at the company ever had. I don't know how he can answer that. But go ahead. THE WITNESS: Can you restate that or paraphrase the question, please? BY MR. PIFKO: Q. Do you remember that Exhibit-7 talked about the business decision about whether to ship an order?

	Christopher Zimmerman	.⊥	(1milet Thouse concer Acit)
	Page 230		Page 232
1	that was derived from a conversation with	1	agree that its responsibility continued
2	the DEA in 2005?	2	after the filing of a suspicious order
3	A. It wasn't derived from a	3	report?
4	conversation. It was it was you	4	MR. NICHOLAS: Object to the
5	had asked about the quotations of the	5	form.
6	-	6	THE WITNESS: I mean, the
7	on a DEA slide, not ABC slide.	7	program we developed, which is
8	Q. From a you said from a	8	pretty much two months, three a
9	presentation between Steve Mays and Mike	9	few months before this letter, is
10	Mapes in 2005?	10	pretty much in line with this
11	A. From a presentation from DEA	11	letter, in that in the way that
12	to Steve Mays.	12	this is written, I'm not sure if
13	Q. Did anyone, at this time,	13	they're referring that an order
14	reach out to the DEA and say, we can no	14	that hits a they're calling it
15	longer rely on that presentation?	15	an excessive purchase, meet the
16	MR. NICHOLAS: Object to the	16	requirements of suspicious order,
17	form.	17	is that an order of interest or a
18	THE WITNESS: No.	18	suspicious order?
19	BY MR. PIFKO:	19	So I'm not really sure of
20	Q. This letter also says, in	20	the context of their statement.
21	the second paragraph, Filling a monthly	21	BY MR. PIFKO:
	report Filing a monthly report of	22	Q. Well, he's saying,
	completed transactions, e.g., excessive	23	Responsibility does not end merely with
	purchase report or high unit purchases,		the filing of a suspicious order report.
24	purchase report of high unit purchases,		and ming of a suspicious ofuci icpoit.
24			
	Page 231		Page 233
1	Page 231 does not meet the regulatory requirement	1	Page 233 So he's talking about
1 2	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants	1 2	Page 233 So he's talking about suspicious orders.
1 2 3	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants are reminded that their responsibility	1 2 3	Page 233 So he's talking about suspicious orders. Do you see that?
1 2 3 4	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants are reminded that their responsibility does not end merely with the filing of a	1 2	Page 233 So he's talking about suspicious orders. Do you see that? A. Yes.
1 2 3 4 5	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants are reminded that their responsibility does not end merely with the filing of a suspicious order report.	1 2 3 4 5	Page 233 So he's talking about suspicious orders. Do you see that? A. Yes. Q. So my question is, does
1 2 3 4 5 6	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants are reminded that their responsibility does not end merely with the filing of a suspicious order report. Do you see that?	1 2 3 4	Page 233 So he's talking about suspicious orders. Do you see that? A. Yes. Q. So my question is, does AmerisourceBergen agree that its
1 2 3 4 5 6	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants are reminded that their responsibility does not end merely with the filing of a suspicious order report. Do you see that? A. Are you in the	1 2 3 4 5 6 7	Page 233 So he's talking about suspicious orders. Do you see that? A. Yes. Q. So my question is, does AmerisourceBergen agree that its responsibility extends beyond the filing
1 2 3 4 5 6 7 8	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants are reminded that their responsibility does not end merely with the filing of a suspicious order report. Do you see that? A. Are you in the MR. NICHOLAS: Could you	1 2 3 4 5	Page 233 So he's talking about suspicious orders. Do you see that? A. Yes. Q. So my question is, does AmerisourceBergen agree that its responsibility extends beyond the filing of a suspicious order report?
1 2 3 4 5 6	Page 231 does not meet the regulatory requirement to report suspicious orders. Registrants are reminded that their responsibility does not end merely with the filing of a suspicious order report. Do you see that? A. Are you in the MR. NICHOLAS: Could you highlight it on the screen?	1 2 3 4 5 6 7 8 9	Page 233 So he's talking about suspicious orders. Do you see that? A. Yes. Q. So my question is, does AmerisourceBergen agree that its responsibility extends beyond the filing of a suspicious order report? MR. NICHOLAS: Object to the
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$\overline{}$	Christopher Zimmerman		·
	Page 234		Page 23
1	saying. I just don't understand your	1	form. Outside the scope.
2		2	THE WITNESS: I don't think
3	MR. NICHOLAS: Object to the	3	that is in line with the
4	· ·	4	regulatory responsibilities of a
5	Go ahead.	5	distributor, to define a program
6	THE WITNESS: Yes.	6	to report suspicious orders.
7	BY MR. PIFKO:	7	BY MR. PIFKO:
8		8	Q. Let's go to the last
9	Q. Yes, you disagree?		•
	A. I disagree let me read it	1	sentence of that paragraph.
10	on the page, so I can make safe that	10	It says, Reporting an order
11	So again, it depends on the	11	
12	context of the sentence. Our registrants	12	regional of responsioning in the
13	are reminded that their responsibility	13	registrant knew or should have known that
14	does not end merely with the filing of a	14	controlled substances were being
15	suspicious order.	15	diverted.
16	That's correct. We have	16	Do you see that?
17	other responsibilities to have adequate	17	A. I do see that.
18	_	18	Q. Do you agree with that
19	the filing of a suspicious order. So I'm	19	statement?
20	2 1	20	A. If I had more understanding
21		21	of what should have what they're
	the totality of the distributor's	22	·
		23	
24	responsibility.		Q. Do you believe that if
21	Q. Well, let me ask a different		AmerisourceBergen knows that controlled
	Page 235		Page 23
1	question.	1	substances are being diverted, it has to
2	Regardless of what this	2	do more to prevent diversion beyond just
3	letter says or doesn't say, does	3	reporting it?
4	AmerisourceBergen agree that with respect	4	MR. NICHOLAS: Object to the
5	to a suspicious order, its	5	form. Could you be more specific
	responsibilities under The Controlled	6	with the question?
7	Substances Act don't end by merely filing	7	THE WITNESS: It's a
8		8	hypothetical question, I think.
9	<u>.</u>	1	• • • • • • • • • • • • • • • • • • • •
_	MR. NICHOLAS: Object to the	9	BY MR. PIFKO:
	MR. NICHOLAS: Object to the form	9	BY MR. PIFKO: O You can't give an answer to
10	form.	10	Q. You can't give an answer to
10 11	form. THE WITNESS: I think my	10 11	Q. You can't give an answer to the question?
10 11 12	form. THE WITNESS: I think my last answer is the is the same	10 11 12	Q. You can't give an answer to the question? A. If we I think, if a
10 11 12 13	form. THE WITNESS: I think my last answer is the is the same answer.	10 11 12 13	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and
10 11 12 13 14	form. THE WITNESS: I think my last answer is the is the same answer. That filing a suspicious	10 11 12 13 14	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and they know that they're diverting, then
10 11 12 13 14 15	form. THE WITNESS: I think my last answer is the is the same answer. That filing a suspicious order does not meet all the	10 11 12 13 14 15	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and they know that they're diverting, then they have responsibility to react.
10 11 12 13 14 15	form. THE WITNESS: I think my last answer is the is the same answer. That filing a suspicious order does not meet all the requirements of to have an	10 11 12 13 14 15 16	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and they know that they're diverting, then they have responsibility to react. Q. So do you agree that the
10 11 12 13 14 15 16 17	form. THE WITNESS: I think my last answer is the is the same answer. That filing a suspicious order does not meet all the requirements of to have an effective controls for diversion.	10 11 12 13 14 15 16	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and they know that they're diverting, then they have responsibility to react. Q. So do you agree that the company has a responsibility to act?
10 11 12 13 14 15 16 17	form. THE WITNESS: I think my last answer is the is the same answer. That filing a suspicious order does not meet all the requirements of to have an effective controls for diversion. So my answer is the same.	10 11 12 13 14 15 16	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and they know that they're diverting, then they have responsibility to react. Q. So do you agree that the company has a responsibility to act? A. If they have
10 11 12 13 14 15 16 17	form. THE WITNESS: I think my last answer is the is the same answer. That filing a suspicious order does not meet all the requirements of to have an effective controls for diversion.	10 11 12 13 14 15 16	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and they know that they're diverting, then they have responsibility to react. Q. So do you agree that the company has a responsibility to act?
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10 11 12 13 14 15 16 17 18 19 20	form. THE WITNESS: I think my last answer is the is the same answer. That filing a suspicious order does not meet all the requirements of to have an effective controls for diversion. So my answer is the same. BY MR. PIFKO: Q. Do you believe that AmerisourceBergen is required to conduct due diligence of a suspicious order even	10 11 12 13 14 15 16 17 18 19 20 21	Q. You can't give an answer to the question? A. If we I think, if a distributor knows that a pharmacy and they know that they're diverting, then they have responsibility to react. Q. So do you agree that the company has a responsibility to act? A. If they have MR. NICHOLAS: Object to the form.

Page 238 Page 240 ¹ BY MR. PIFKO: ¹ AmerisourceBergen would know about diversion and not be obligated to act? Q. Okay. So just, again, I'm MR. NICHOLAS: Object to the ³ not trying to misstate your testimony, I ⁴ just want to get a clear record. form. I think you're now just So it's my understanding 5 arguing. 6 ⁶ that what you just said is if THE WITNESS: Again, it all ⁷ AmerisourceBergen knows that a pharmacy depends on the circumstances of ⁸ is diverting product, it has a the case. responsibility to act; is that correct? BY MR. PIFKO: 10 10 MR. NICHOLAS: Object to the Q. Well, so, if it depends on 11 ¹¹ the circumstances, there must be form. 12 THE WITNESS: It depends on circumstances where AmerisourceBergen 13 the circumstances. You asked me a would know of diversion and you don't 14 hypothetical question. believe they would be required to act. 15 15 MR. NICHOLAS: Object to the So, again, and I'm not sure, 16 16 again, when we put the context of form. This isn't --17 17 diversion, what we're talking MR. PIFKO: You've got to 18 about. 18 stop. You have to stop. 19 19 You can object in a normal If a pharmacy has an 20 employee that was arrested for 20 objection way, you can say form. 21 21 diverting product, they put a You can say foundation. You can 22 22 bottle in their pocket, the state a legal objection. 23 23 reaction is going to be different. But you are coaching the 24 24 So it all depends upon the witness. You have done Page 241 Page 239 1 1 totality of the circumstance. textbook -- there is case law 2 2 I can't give you a general addressing exactly what you're 3 answer that if there's a pharmacy 3 doing in this district, and you 4 4 that's diverting, depending upon need to stop, okay? 5 what that type of diversion is, 5 MR. NICHOLAS: Listen. Now 6 6 what that action will be. you're going to let me speak for a 7 BY MR. PIFKO: minute. 8 MR. PIFKO: No, I'm not. Q. But you agree that some action may be -- it depends on the nature 9 You need to stop this right now. 10 ¹⁰ of the diversion -- the action would MR. NICHOLAS: I read the ¹¹ depend on the nature of the diversion, 11 transcript of your defense of the ¹² but some action would be required? 12 Merrill Gordon. 13 MR. NICHOLAS: Object to the 13 MR. PIFKO: We're not 14 14 form. talking about anything right now. 15 15 And all I did -- and all I did was THE WITNESS: It depends on 16 16 state my objections with clarity the circumstances. And, again, 17 17 it's a case-by-case basis, and specificity. And I did not 18 depending upon the totality of the 18 coach the witness at one moment of 19 19 circumstances, of what the the deposition. 20 20 reaction would be. There isn't a You are telling -- you said 21 21 things like "if you know." You must. 22 ²² BY MR. PIFKO: said that before the last break. 23 Q. So is it your testimony that MR. NICHOLAS: Is that so 24 ²⁴ there are circumstances where horrible?

	Christopher Zimmerma		
	Page 242		Page 24
1	MR. PIFKO: Because there's	1	AmerisourceBergen is aware of diversion,
2	case law prohibiting that kind of	2	do you believe that beyond reporting it
3	conduct. That is directing the	3	to the DEA, the company has a
4	witness. If you know, that's	4	responsibility to take some action?
5	directing the witness to say I	5	A. It depends on the
6	don't know.	6	·
7	You cannot do that. Just	7	
8	stop.	8	diversion at a pharmacy and we were told
9	MR. NICHOLAS:	9	to continue servicing them during the
10	Unfortunately	10	course of the investigation.
11	MR. PIFKO: Am I going to	11	There's an instance where we
12	get your agreement that you're	12	knew of diversion and we didn't take any
13	going to comply with the law?	13	
14	MR. NICHOLAS: I've been	14	DEA.
15	complying with the law the entire	15	Every instance is different.
16	time.		You're asking me to give you a blanket
17	I read your deposition.	17	
18	MR. PIFKO: You've been		can't. There's no two are alike. And
19			
20	coaching the witness.		I can't give you a single answer to your
21	MR. NICHOLAS: I have not.	21	response, because it depends.
22	MR. PIFKO: You have.		It depends. If DEA wants us
23	MR. NICHOLAS: I read your		to continue servicing them and there's a
	transcript of the Merrill	23	diversion, then we would have no detion.
24	Gordon	24	Q. What pharmacy are you
	Page 243		Page 24
1	MR. PIFKO: I never once	1	referring to where there was diversion
2	said facts	2	and the DEA told you to continue
~	MR. NICHOLAS: I never saw	3	servicing them?
3	WIK. TVICTIOE/US. Thever saw		
3 4	anything like it.	4	MR. NICHOLAS: I'm going to
			MR. NICHOLAS: I'm going to caution the witness that if
4	anything like it.	4	
4 5	anything like it. MR. PIFKO: in my	4 5	caution the witness that if there's for any reason, this is
4 5 6	anything like it. MR. PIFKO: in my objections. MR. NICHOLAS: It was an	4 5 6	caution the witness that if
4 5 6 7	anything like it. MR. PIFKO: in my objections. MR. NICHOLAS: It was an incredible thing. I'm like Mother	4 5 6 7	caution the witness that if there's for any reason, this is an ongoing investigation and
4 5 6 7 8	anything like it. MR. PIFKO: in my objections. MR. NICHOLAS: It was an incredible thing. I'm like Mother Teresa compared to you in that	4 5 6 7 8	caution the witness that if there's for any reason, this is an ongoing investigation and confidential MR. PIFKO: He raised the
4 5 6 7 8 9	anything like it. MR. PIFKO: in my objections. MR. NICHOLAS: It was an incredible thing. I'm like Mother Teresa compared to you in that deposition.	4 5 6 7 8	caution the witness that if there's for any reason, this is an ongoing investigation and confidential MR. PIFKO: He raised the issue.
4 5 6 7 8 9	anything like it. MR. PIFKO: in my objections. MR. NICHOLAS: It was an incredible thing. I'm like Mother Teresa compared to you in that deposition. MR. PIFKO: I disagree.	4 5 6 7 8 9	caution the witness that if there's for any reason, this is an ongoing investigation and confidential MR. PIFKO: He raised the issue. MR. NICHOLAS: I don't care.
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	Christopher Zimmerma	LI	(1111101 120 011 00201) 011 /
	Page 246		Page 248
1	MR. NICHOLAS: I don't know	1	individuals.
2	that	2	You're asking me as a as
3	MR. PIFKO: You're a fact	3	a this gets to the part of am I
4	witness here as well as a 30(b)(6)	4	a 3 what is it?
5	witness. You need to answer my	5	MR. NICHOLAS: 30(b)(6).
6	questions.	6	THE WITNESS: 30(b)(6) or me
7	THE WITNESS: I don't know	7	personally.
8	the name of the pharmacy, but we	8	BY MR. PIFKO:
9	received recognition from the DEA	9	Q. Do you know if that pharmacy
10	for participation in the	10	in New Jersey was put on the do not ship
11	investigation.	11	list?
12	BY MR. PIFKO:	12	MR. NICHOLAS: Object to the
13	Q. When was that?	13	form. Outside the scope.
14	A. It was 2002 or 2004, I can't	14	THE WITNESS: I don't know.
15	remember the time frame.	15	I don't know.
16	But after the course of the	16	BY MR. PIFKO:
17	investigation, the prosecution, we	17	Q. I'm handing you what is
18	received a certificate of recognition	18	marked as Exhibit-8.
19	from the DEA. That's the case I'm	19	
20	referring to.	20	(Whereupon, Amerisource
21	Q. So it was a concluded	21	Bergen-Zimmerman Exhibit-8,
22	investigation, correct?	22	ABDCMDL 00270533, was marked for
23	A. Yes.	23	identification.)
24	Q. Okay. Where was this	24	
	Page 247		Page 249
1	Page 247	1	Page 249 MR PIFKO: For the record
1 2	pharmacy? What state?	1 2	MR. PIFKO: For the record,
	pharmacy? What state? A. It was in New Jersey.		MR. PIFKO: For the record, it's a single-page document Bates
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	Christopher Zimmerman		(
	Page 250		Page 252
1	was just jotting down some points.	1	a native PowerPoint dated or Bates number
2	Q. BOD, is that board of	2	ABDCMDL 00273425.
3	directors?	3	Going back to Exhibit-8.
4	A. Board of where?	4	You're the top person in
5	Q. It's on the subject line.	5	÷ ÷
6	A. I think it was supposed to	6	A. Yes.
7	be I'm not sure. I don't know if it	7	Q. Do you in connection with
8	should have been BOP or BOD. Board of	8	that role, do you meet regularly with the
9	Pharmacy. I'm not sure. I can't	9	
10	remember.	10	A. I meet with a committee of
11	Q. What would CS mean?	11	the board.
12		12	Q. How often do you meet with
13	A. I don't recall.	13	them?
14	Q. TPs, does that mean anything	14	A. Once a quarter.
15	to you?	15	Q. Okay. And you've spoken
16	A. I'm guessing if I had to	16	with them about diversion control?
17	guess, I would say talking points.	17	A. Yes.
18	Q. So it could be board of	18	Q. Other than this meeting,
19	directors, controlled substances, talking		have you spoken with them about diversion
20	points?	20	* *
21	MR. NICHOLAS: Object to the	21	A. Yes.
22	form.	22	
23	THE WITNESS: I'm not sure.	23	Q. Is diversion control a
24	THE WITNESS. THI Hot sure.		subject that you speak with them on every
			meeting that you have?
	Page 251		Page 253
1	Page 251 (Whereupon, Amerisource	1	_
1 2	_	1 2	
	(Whereupon, Amerisource	2	A. No.
2	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-9,	2 3	A. No.Q. Would you say diversion
2	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-9, ABDCMDL 00273425, was marked for	3 4	A. No. Q. Would you say diversion control is something that you regularly
2 3 4 5	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-9, ABDCMDL 00273425, was marked for	3 4	A. No. Q. Would you say diversion control is something that you regularly talk about them with or only on specific
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	Christopher Zimmerman		(IMMELIBOULEEDEL GEIL)
	Page 254		Page 256
1	on diversion control?	1	back up.
2	MR. NICHOLAS: Objection.	2	You have a sentence here
3	These are being answered in his	3	that, The Controlled Substance Act,
4	individual capacity.	4	passed in 1970, is the statute
5	BY MR. PIFKO:	5	establishing U.S. drug requirements for
6	Q. To clean that up, all	6	the storage and distribution of
7	questions on this right now are in the	7	controlled substances as stipulated in
8	individual capacity. I'll let you know	8	the Code of Federal Regulations and
9	when we're switching gears.	9	enforced by the Drug Enforcement
10	A. To provide them update on	10	
11	our regulatory compliance.	11	Primarily, you must have a
12	Q. But you said you don't meet	12	DEA distributor registration to
13	with them regularly about diversion	1	distribute controlled substances. You
	control.	14	can only distribute controlled substances
15	So what I was trying to	15	to a DEA-registered location. You must
16	· ·	16	
17	diversion control at this time?	17	
18	MR. NICHOLAS: Object to the	18	background checks, et cetera. And, you
19	form.	19	must have a system to identify suspicious
20	Go ahead.	20	orders and report those orders to DEA
21	THE WITNESS: We were	21	-
22	updating them on the diversion	22	Do you see that?
23	control program.	23	A. Yes.
24	BY MR. PIFKO:	24	
	2 1 1/11() 1 11 110 (1	Q. 10 500/5, 111050 10 quantum
	Page 255		Page 257
1	Q. You said there's a committee	1	have gone unchanged for the past 45
2	Q. You said there's a committee that you that you meet with.	2	have gone unchanged for the past 45 years.
	Q. You said there's a committee	1	have gone unchanged for the past 45 years. Do you see that?
2	Q. You said there's a committee that you that you meet with. Is there a name for this committee?	3 4	have gone unchanged for the past 45 years.
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2 3 4	Q. You said there's a committee that you that you meet with. Is there a name for this committee? A. It's the audit committee. Q. How many members of the	2 3 4 5 6	have gone unchanged for the past 45 years. Do you see that? A. Yes. Q. Do you agree with that
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2 3 4 5 6 7	Q. You said there's a committee that you that you meet with. Is there a name for this committee? A. It's the audit committee. Q. How many members of the board of directors sit on that committee? A. I believe it's four. Q. Do you know which specific	2 3 4 5 6 7 8	have gone unchanged for the past 45 years. Do you see that? A. Yes. Q. Do you agree with that statement? You wrote it. MR. NICHOLAS: Object to the
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			(AmerisourceBergen)
	Page 258		Page 260
1	sentence, you can read it.	1	about in this document?
2	But my question to you is,	2	MR. NICHOLAS: Object to the
3	did AmerisourceBergen voluntarily take on	3	form. Outside the scope of the
4	certain activities with respect to	4	notice, I think. It's not in any
5	controlling diversion that it didn't	5	of the topics.
6	believe were in the statute?	6	But go ahead.
7	MR. NICHOLAS: Object to the	7	THE WITNESS: I think,
8	form.	8	through my discussions here today,
9	THE WITNESS: No. We were	9	we've shown from 1990 through now,
10	just enhancing our program, as	10	we always we've always been
11	I as it has stated.	11	working to improve our program.
12	BY MR. PIFKO:	12	And we started with '96, then '98.
13	Q. But by enhancing your	13	And we've always continued, even
14	program, is it your position that you	14	between '98 and 2007, there were
15	voluntarily undertook to engage in	15	enhancements to the program.
16	certain activities that you weren't	16	There was enhancements from 2007
17	required to do under the statute?	17	forward. And we continue to
18	MR. NICHOLAS: Object to the	18	enhance the program.
19	form.	19	We're not this is a note
20	THE WITNESS: The	20	I wrote in order to remind me to
21	regulations designed a program to	21	talk about the enhancements to the
22	identify and report suspicious	22	program that we continue to do.
23	orders. We had that in place. We	23	And that's what this document is,
24	still have it in place. We had it	24	is just my notes as a reminder to
	Page 259		Page 261
1	in place before and after any	1	just make sure I hit certain
2	enhancements.		· ·
	chilaneements.	4	nointe
3	The enhancements were just	3	points. BY MR PIEKO:
3	The enhancements were just	3	BY MR. PIFKO:
3 4 5	done about how we identified	3 4	BY MR. PIFKO: Q. Do you believe that
4 5	done about how we identified and how the process worked. We	3 4 5	BY MR. PIFKO: Q. Do you believe that AmerisourceBergen has any duties to
4 5 6	done about how we identified and how the process worked. We didn't a requirement never	3 4 5 6	BY MR. PIFKO: Q. Do you believe that AmerisourceBergen has any duties to prevent diversion outside of the
4 5 6 7	done about how we identified and how the process worked. We didn't a requirement never changed. And our program really	3 4 5 6 7	BY MR. PIFKO: Q. Do you believe that AmerisourceBergen has any duties to prevent diversion outside of the regulations under The Controlled
4 5 6 7 8	done about how we identified and how the process worked. We didn't a requirement never changed. And our program really never changed. Just some of the	3 4 5 6 7 8	BY MR. PIFKO: Q. Do you believe that AmerisourceBergen has any duties to prevent diversion outside of the regulations under The Controlled Substances Act?
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	CIII ISCOPIIEI ZIIIIIIEI IIIai		
	Page 266		Page 268
1	Do you see that?	1	negotiations with DEA. They wanted us to
2	A. Yes.	2	come up with a program.
3	Q. And then it says, ABC was	3	And two key components of
4	the first company in the industry to	4	that program is they wanted us to have an
5	implement an SO hold, which is now the	5	enhanced due diligence, and then the
6	standard in the industry and a component	6	other one was to change the process of
7	for every distributor's SOM program.	7	shipping orders and reporting them after
8	Do you see that?	8	the fact.
9	A. Yes.	9	And that was through the
10	Q. SO, I assume, means	10	negotiations. And we implemented that
11	suspicious order?	11	program. That was the program I
12	A. I would assume that's what	12	indicated that DEA came in and inspected.
13	it meant. It's an order of interest	13	And whether they approved it or not,
14	hold, suspicious order hold.	14	based upon their inspections, I think in
15	Q. And SOM means suspicious	15	the order, it states if we weren't in
16	order monitoring?	16	compliance, then they would not return
17	A. Yes.	17	our license back to us.
18	Q. You testified earlier that	18	And then a couple of months
19	there's AmerisourceBergen does not	19	later, they had us had me do a
20	believe it's obligated under the law to	20	presentation at their DEA conference to
21	not ship an order that's suspicious.	21	industry going through these processes.
22	Do you recall saying that?	22	Q. You say that
23	MR. NICHOLAS: Object to the	23	AmerisourceBergen was the first company
24	form.		in the industry to implement such a
	Page 267		Page 269
1	Page 267 THE WITNESS: Can you	1	Page 269
1 2	THE WITNESS: Can you	1 2	process of holding a suspicious order.
	THE WITNESS: Can you restate that again? I'm not sure		process of holding a suspicious order. Do you see that?
2 3	THE WITNESS: Can you restate that again? I'm not sure I understood it correctly.	2	process of holding a suspicious order. Do you see that? A. Yes.
2	THE WITNESS: Can you restate that again? I'm not sure I understood it correctly. BY MR. PIFKO:	3	process of holding a suspicious order. Do you see that? A. Yes. Q. What's the basis for that?
2 3 4 5	THE WITNESS: Can you restate that again? I'm not sure I understood it correctly. BY MR. PIFKO: Q. I believe I understood your	2 3 4 5	process of holding a suspicious order. Do you see that? A. Yes. Q. What's the basis for that? A. Based upon my discussions
2 3 4 5	THE WITNESS: Can you restate that again? I'm not sure I understood it correctly. BY MR. PIFKO: Q. I believe I understood your testimony earlier to say that you did not	2 3 4 5	process of holding a suspicious order. Do you see that? A. Yes. Q. What's the basis for that? A. Based upon my discussions with DEA in 2007.
2 3 4 5 6 7	THE WITNESS: Can you restate that again? I'm not sure I understood it correctly. BY MR. PIFKO: Q. I believe I understood your testimony earlier to say that you did not believe that AmerisourceBergen is	2 3 4 5 6	process of holding a suspicious order. Do you see that? A. Yes. Q. What's the basis for that? A. Based upon my discussions with DEA in 2007. Q. You're aware that there's an
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	THE WITNESS: Can you restate that again? I'm not sure I understood it correctly. BY MR. PIFKO: Q. I believe I understood your testimony earlier to say that you did not believe that AmerisourceBergen is required, under the law, to not ship an order that it identifies as suspicious; is that correct? A. My statement was that the regulation itself states that you must operate a system to identify and report a suspicious order. There's no statement of shipping, not shipping, holding an order. Q. So at this time, what was the reason that you implemented the shipping or suspicious order hold, which you said includes the orders of interest?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	process of holding a suspicious order. Do you see that? A. Yes. Q. What's the basis for that? A. Based upon my discussions with DEA in 2007. Q. You're aware that there's an opioid crisis in America, correct? A. Yes. Q. Did AmerisourceBergen ever, at any point, think to itself, could we do more to prevent diversion as a result of the opioid crisis? MR. NICHOLAS: Object to the form. It's outside the scope as well. THE WITNESS: And I'm not sure I understand the time frame you're talking about. We always want to make sure that we're following the

Page 270 Page 272 1 methamphetamine abuse or any other do that to enhance our program, we 2 2 area. do. It's not -- it's not static. 3 3 And in the past, we had a We don't just implement it in 2007 4 great working relationship with and there's just no changes. It's 5 the DEA to resolve these issues. a constant. 6 When it was methamphetamine, they BY MR. PIFKO: 7 O. Right. But I'm asking if passed a bill, enacted regulations 8 and requirements, as we talked you had a specific discussion about 9 about, with the handling. changing or adding to the program as a 10 But in the opioid crisis, result of issues stemming from the opioid 11 there's no implementation of 11 crisis? 12 12 bills, there was no -- there was MR. NICHOLAS: Object to the 13 no input from DEA like they had in 13 form. You're arguing. 14 14 past crises, for the opioid THE WITNESS: I don't know 15 15 if there was a specific meeting crisis. 16 16 titled exactly how you're stating We worked with DEA in 2007. 17 17 it. No, I don't know. We felt we built a program that 18 was, again, I think, 18 BY MR. PIFKO: 19 state-of-the-art in the industry. Q. Okay. I told you I would 20 And that was the program we ask you the question a different way. 21 implemented. Now as an individual -- or 22 We shared our program with as the chief compliance officer and the 23 head of the CSRA, are you aware of any all the other industry 24 memberships. It wasn't -- we were conversations, at any time when you Page 271 Page 273 open about our process. And, you 1 ¹ worked at the company, where there was 2 know, I think that, on itself, ² discussion of improving diversion control 3 shows the efforts of ³ measures specifically in response to the 4 ⁴ opioid crisis? AmerisourceBergen. ⁵ BY MR. PIFKO: 5 MR. NICHOLAS: Object to the 6 Q. I'm going to ask this 6 form. 7 question two different ways. THE WITNESS: As I 8 First, from -- for the previously stated, there is always ⁹ 30(b)(6) period of the deposition, the 9 discussions about our program and 10 ¹⁰ time period, are you aware of any our processes, not just with the 11 ¹¹ meetings where the company discussed the suspicious order monitoring but opioid crisis and what steps it could 12 how we handled things across the ¹³ take to improve its diversion control 13 scope of the distribution center 14 measures to address those issues? and all of our requirements. 15 15 So you're asking me, did MR. NICHOLAS: Object to the 16 16 have -- can I point to one form. 17 17 THE WITNESS: We specific meeting? Not that I'm 18 18 regularly -- the department aware of. But it was a topic that 19 19 regularly meets and discusses our we generally discussed. 20 20 programs and processes and what we VIDEO TECHNICIAN: Going off 21 do at the distribution centers, 21 the record. 2:01 p.m. 22 22 but also with this program as 23 23 well. And it's open dialogue. (Whereupon, a brief recess 24 24 And if there's areas we can was taken.)

	CIII ISCOPIIEI ZIIIIIIEI IIIai		
	Page 274		Page 276
1			it at your direction?
2	MR. NICHOLAS: Counsel	2	MR. NICHOLAS: Object to the
3	produced showed us a copy of	3	form.
4	what has been marked as Exhibit-9	4	THE WITNESS: I don't
5	in this deposition. The cover	5	believe it was me.
6	page says, Regulatory Compliance	6	BY MR. PIFKO:
7	Update, and the document is dated	7	Q. Do you believe that David
8	August 10th of 2017.	8	May could have put this together for you?
9	This document was produced	9	MR. NICHOLAS: Go ahead.
10	in its entirety by mistake. It	10	THE WITNESS: He could have.
11	is there are portions of it	11	BY MR. PIFKO:
12	that are privileged. We are going	12	Q. This is talking about
13	to redact the document now so that	13	program enhancements on the slide.
14	it retains the cover page and	14	Do you see that?
15	Pages 11 through 18. The balance	15	A. Yes.
16	of the document is privileged.	16	Q. On the slide itself.
17	Counsel for the other side	17	A. So I'm clear, is this my
18	has agreed, not only not to pursue	18	capacity as an individual? Because it's
19	anything on those other pages, but	19	outside the scope of what I prepared for
20	also to redact and return the	20	on the
21	privileged pages, which we	21	Q. Well, I'm asking you as an
22	appreciate.	22	individual well, and I'm going to
23	And I think that completes	23	it's going to be related to everything.
24	the record.	24	So your counsel can object
	Page 275		Page 277
1	Let me just check with my	1	as he deems to be appropriate once he
2	people to make sure I'm not	2	
3	missing something, okay?	3	So it says in the red, just
4	We are all good. We can	4	below the note section do you see
5	proceed.		that?
6	VIDEO TECHNICIAN: We're	6	A. Yes.
7	back on the video record. The	7	Q per Eric.
8	time is 2:15 p.m.	8	
			Who is Eric?
9	<u> -</u>	9	Who is Eric? A. I am not sure. It could be
9 10	BY MR. PIFKO:	9	A. I am not sure. It could be
	BY MR. PIFKO: Q. Let's go back to Exhibit-9.	١	A. I am not sure. It could be an attorney.
10 11	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your	10	A. I am not sure. It could be an attorney.Q. Is there someone Eric on the
10	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when	10 11	A. I am not sure. It could be an attorney.Q. Is there someone Eric on the board of directors?
10 11 12	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there.	10 11 12	A. I am not sure. It could be an attorney.Q. Is there someone Eric on the board of directors?A. No.
10 11 12 13	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes.	10 11 12 13 14	 A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on
10 11 12 13 14	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes. Q. This is a PowerPoint	10 11 12 13	A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on your staff?
10 11 12 13 14 15	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes. Q. This is a PowerPoint presentation and the language below are	10 11 12 13 14 15	A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on your staff? A. There is an Eric on my
10 11 12 13 14 15 16	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes. Q. This is a PowerPoint presentation and the language below are comments.	10 11 12 13 14 15 16	A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on your staff? A. There is an Eric on my staff.
10 11 12 13 14 15 16	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes. Q. This is a PowerPoint presentation and the language below are comments. Do you see that? There's	10 11 12 13 14 15 16	A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on your staff? A. There is an Eric on my staff. Q. Which Eric?
10 11 12 13 14 15 16 17	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes. Q. This is a PowerPoint presentation and the language below are comments. Do you see that? There's comments in black and comments in red.	10 11 12 13 14 15 16 17	A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on your staff? A. There is an Eric on my staff. Q. Which Eric? A. There's an Eric Cherveny in
10 11 12 13 14 15 16 17 18	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes. Q. This is a PowerPoint presentation and the language below are comments. Do you see that? There's comments in black and comments in red. Do you recall writing the	10 11 12 13 14 15 16 17 18	A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on your staff? A. There is an Eric on my staff. Q. Which Eric? A. There's an Eric Cherveny in our group.
10 11 12 13 14 15 16 17 18 19 20	BY MR. PIFKO: Q. Let's go back to Exhibit-9. I want to direct your attention to Page 16. Tell me when you're there. A. Yep. Yes. Q. This is a PowerPoint presentation and the language below are comments. Do you see that? There's comments in black and comments in red. Do you recall writing the comments?	10 11 12 13 14 15 16 17 18 19 20 21	A. I am not sure. It could be an attorney. Q. Is there someone Eric on the board of directors? A. No. Q. Is there someone Eric on your staff? A. There is an Eric on my staff. Q. Which Eric? A. There's an Eric Cherveny in our group. Q. What's Eric's job at this
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1	Page 278	,	Page 280
2	title.	1	the notes.
2	Q. So he's the head of the		BY MR. PIFKO:
4	diversion control division of the CSRA?	3	Q. Bo you don't necessarily
5	A. No. David May is the head.	5	agree with that?
	Q. Oh, director so director	١.	A. I think I stated I'll
6	is not the top position.	6	Tugico municum mo
	What's David May's title?	7	nave a responsibility to assure that we
8	A. David May is vice president.	1	have adequate controls in place to
9	Q. So Eric, I'm going to	1	protect against diversion and we have a
10	butcher his name, Cherveny did I get	10	
11	it right?		have access to much needed medications.
12	A. Cherveny.	12	Q. It says here it mentions
13	Q. Cherveny.	13	w or vir women in Coorgini
14	He's below just below	14	Do you see that. In the
15	David May?		note at the top.
16	A. Correct.	16	A. I see that.
17	Q. And he's in charge of	17	Q. Do you know what action that
	he's the director of the diversion		is?
19	control program for the company?	19	A. I do not.
20	A. Correct.	20	Q. Do you recall discussing
21	Q. It says here, We are trying	1	that the diversion control function of
22	to make the best decisions we can to		the company is concerned with making
	protect the public while assuring legit	1	decisions to protect the public with Mr.
24	customers get their meds. That is all	24	May?
	Page 279		Page 281
1	_	1	_
1 2	Page 279 the diversion control function is concerned with.	1 2	MR. NICHOLAS: Object to the
	the diversion control function is concerned with.		MR. NICHOLAS: Object to the form.
2	the diversion control function is	2	MR. NICHOLAS: Object to the form. THE WITNESS: Can you state
3	the diversion control function is concerned with. Do you see that? A. Yes.	3 4	MR. NICHOLAS: Object to the form.
3 4	the diversion control function is concerned with. Do you see that?	3 4	MR. NICHOLAS: Object to the form. THE WITNESS: Can you state your question again? BY MR. PIFKO:
2 3 4 5	the diversion control function is concerned with. Do you see that? A. Yes. Q. Do you agree with that	2 3 4 5	MR. NICHOLAS: Object to the form. THE WITNESS: Can you state your question again? BY MR. PIFKO: Q. Well, this idea, We are
2 3 4 5 6	the diversion control function is concerned with. Do you see that? A. Yes. Q. Do you agree with that statement?	2 3 4 5 6 7	MR. NICHOLAS: Object to the form. THE WITNESS: Can you state your question again? BY MR. PIFKO: Q. Well, this idea, We are trying to make the best decisions we can
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2 3 4 5 6 7 8	the diversion control function is concerned with. Do you see that? A. Yes. Q. Do you agree with that statement? MR. NICHOLAS: Object to the form.	2 3 4 5 6 7 8	MR. NICHOLAS: Object to the form. THE WITNESS: Can you state your question again? BY MR. PIFKO: Q. Well, this idea, We are trying to make the best decisions we can to protect the public while assuring legit customers get their meds. That is
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	Christopher Zimmerman	LI	(Timer ibour ceber gen)
	Page 282		Page 284
1	legitimate patients have access to	1	Bergen-Zimmerman Exhibit-10,
2	medications.	2	ABDCMDL 00000099-100, was marked
3	Q. Did Mr. May ever tell you	3	for identification.)
4	that he believes the diversion control	4	-
	function is concerned with protecting the	5	BY MR. PIFKO:
	public?	6	Q. I'm handing you what is
7	MR. NICHOLAS: Object to the	7	marked as Exhibit-10. It's a two-page
8	form.	8	document Bates labeled ABDCMDL 00000099
9	THE WITNESS: I don't	9	
10		10	
	recall.		I'll represent to you that
	BY MR. PIFKO:	1	the metadata showed June 30th, 2007 as
12	Q. How about Eric Cherveny, did		the date for this.
	he ever discuss the diversion control	13	A. What date? I'm sorry.
	function and it being concerned with	14	Q. June John, 2007.
	protecting the public?	15	Let me know when you're done
16	A. I don't recall any	1	reviewing it.
17	conversation to that, no.	17	A. And you said this is from
18	MR. NICHOLAS: Object to the	18	June?
19	form.	19	Q. I believe that's what the
20	BY MR. PIFKO:	20	metadata says.
21	Q. It says here, We may have to	21	A. All right.
22	get pretty specific with how we revise	22	Q. Are you familiar
	the forms to assuage any concern they may	23	- · · · · · · · · · · · · · · · · · · ·
	have that we are justifying the Short	24	Q with this document?
	<i>y</i> • • •		
	Dama 202		Daga 205
1	Page 283	1	Page 285
	Form 590.	1 2	A. I can't recall specifically
2	Form 590. Do you see that?	2	A. I can't recall specifically the document.
3	Form 590. Do you see that? A. Where are you? Are you on	2	A. I can't recall specifically the document. Q. Do you recall having
2 3 4	Form 590. Do you see that? A. Where are you? Are you on the same side?	3 4	A. I can't recall specifically the document. Q. Do you recall having guidelines for threshold reviews?
2 3 4 5	Form 590. Do you see that? A. Where are you? Are you on the same side? Q. Same page.	2 3 4 5	 A. I can't recall specifically the document. Q. Do you recall having guidelines for threshold reviews? A. Yes.
2 3 4 5 6	Form 590. Do you see that? A. Where are you? Are you on the same side? Q. Same page. A. Where in the note text?	2 3 4 5 6	A. I can't recall specifically the document. Q. Do you recall having guidelines for threshold reviews? A. Yes. Q. Does this appear to be a
2 3 4 5 6 7	Form 590. Do you see that? A. Where are you? Are you on the same side? Q. Same page. A. Where in the note text? Q. Second red paragraph.	2 3 4 5 6	A. I can't recall specifically the document. Q. Do you recall having guidelines for threshold reviews? A. Yes. Q. Does this appear to be a true and correct representation of
2 3 4 5 6 7 8	Form 590. Do you see that? A. Where are you? Are you on the same side? Q. Same page. A. Where in the note text? Q. Second red paragraph. A. I see that.	2 3 4 5 6	A. I can't recall specifically the document. Q. Do you recall having guidelines for threshold reviews? A. Yes. Q. Does this appear to be a true and correct representation of guidelines for threshold reviews for
2 3 4 5 6 7 8	Form 590. Do you see that? A. Where are you? Are you on the same side? Q. Same page. A. Where in the note text? Q. Second red paragraph. A. I see that. Q. What's the Short Form 590?	2 3 4 5 6 7 8	A. I can't recall specifically the document. Q. Do you recall having guidelines for threshold reviews? A. Yes. Q. Does this appear to be a true and correct representation of
2 3 4 5 6 7 8	Form 590. Do you see that? A. Where are you? Are you on the same side? Q. Same page. A. Where in the note text? Q. Second red paragraph. A. I see that.	2 3 4 5 6 7 8	A. I can't recall specifically the document. Q. Do you recall having guidelines for threshold reviews? A. Yes. Q. Does this appear to be a true and correct representation of guidelines for threshold reviews for
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Case: 1:17-md-02804-DAP_Doc#: 3015-22_Filed: 12/18/19_74 of 126_PageID#: 449414 Christopher Zimmerman (AmerisourceBergen) Page 286 Page 288 ¹ sales volume and controlled substances, ¹ a look at the thresholds to better gauge ² CS ratio, CSRA has been able to place all ² them for the customer and their business. ³ retail pharmacy accounts into one of four Again, with the intent of ⁴ categories, which determines how CSRA ⁴ ensuring that customers that had ⁵ will approach adjustments to the ⁵ legitimate medical need for the product was able to get it. ⁶ account's established threshold levels. Q. Let's look at the fourth Do you see that? 8 A. Yes. category. Q. Do you recall having These are customers that ¹⁰ stratifications for threshold levels have low-dollar volume, high-controlled based on the controlled substances ratio? substances ratio. 12 Do you see that? A. I'm sorry, your question is, ¹³ again? I'm sorry. 13 A. Yes. 14 14 Q. Do you recall having Q. It says, Customers in this stratifications for threshold levels category are generally secondary accounts ¹⁶ based on controlled substances ratios? and account for the majority of the OMP 17 17 issues. A. The thresholds were based ¹⁸ upon the size of the customer. 18 Do you see that? Q. This talks about adjustments 19 19 A. I see that. ²⁰ to the account's threshold levels based 20 Q. Do you know what that means? on the dollar volume and the controlled That means that you could ²² substances ratio. ²² have a customer, it could be a large account -- so in the distribution A. Yes. So this document was ²⁴ in June, keep in mind the time frame, ²⁴ environment, most pharmacies have Page 287 Page 289 ¹ this is in the middle of our ¹ multiple accounts and -- just in the ² negotiations. So we haven't signed off ² event that they need product that their ³ on our new program. ³ primary distributor can't distribute, or So in order to first get it ⁴ in the effect that they have different ⁵ up and running, we had to take just a ⁵ pricing structures on different products ⁶ quick swath of our total customer base ⁶ from different distributors. So they ⁷ and make four categories. So we threw ⁷ have more than one account. ⁸ all the customers into those four So if you had a large ⁹ categories based on volume, not anything account that was a small dollar volume --¹⁰ else. ¹⁰ I mean, it could be a \$2 million account, 11 And then we had this

¹² guideline, said take a look now and ¹³ further -- get more scientific with the ¹⁴ customers to make sure they were ¹⁵ appropriately sized, and their thresholds

¹⁶ were created. 17 And so, again, this would be 18 something that we would have been working ¹⁹ with DEA as we went through this process. ²⁰ And so once we first got the customers in ²¹ their class, just based on dollar volume, ²² the average pharmacy is percent, ²³ unless it had some, you know, other ²⁴ areas. So then we went through and took

11 for us it might be a \$10,000 account, because it's secondary, but it's a ¹³ million-dollar operation and they're ¹⁴ buying higher level controls, they're going to hit on the OMP. 16 And that's what's referenced to a low-dollar high-ratio secondary 18 account. 19 Q. And so when you say "hit on the OMP," because you mentioned this paragraph we were at on the first page, about the percent ratio of controlled

That's for a regular -- so

²³ substances to total volume --

24

Christopher Zimmerm	air (rimer ibour ceber gen)	
Page 29	Page	292
¹ if a pharmacy buys 100 percent of their	want to be a secondary supply to	
² purchases, in this average, at that time,	these accounts. I mean, it's a	
³ percent, if you have a secondary	³ business decision.	
⁴ account, they might be buying	What's the dollar volume of	
⁵ different disproportionate	5 their purchasing? Is it do	
⁶ disproportionate amount of percentages	6 they want to continue business	
⁷ from different distributors, but their	⁷ with them?	
⁸ overall purchase is going to be	⁸ BY MR. PIFKO:	
⁹ percent.	⁹ Q. Why wouldn't you want to	
Q. Right.	¹⁰ continue business with them?	
A. Does that explain that?	11 MR. NICHOLAS: Object to the	
Q. So there's a statement here,	¹² form.	
¹³ Sales, the VP/DCM, and potentially the	THE WITNESS: Because it	
¹⁴ RVP, should closely evaluate the business	depends upon how much volume	
¹⁵ decision to service these accounts.	they're purchasing. So, you know,	
First question, VP/DCM, who	just to have a pharmacy account,	
¹⁷ are those people?	you need to purchase a certain	
A. That's the distribution	level of volume, just to break	
¹⁹ center manager.	even because of the pick, pack,	
Q. VP, who is that?	ship process and overhead	
A. That's their title.	operating cost.	
Q. That's one title, okay.	So just because a pharmacy	
So that's the top person at	does \$10,000 worth of business, it	
²⁴ any particular distribution center?	may cost you \$50,000 to carry it.	
		293
Page 29	Page	293
Page 29 1 A. Correct.	Page 1 So there's a business decision	293
Page 29 A. Correct. Q. Regional vice president,	Page So there's a business decision depending, is it a secondary	293
Page 29 1 A. Correct. 2 Q. Regional vice president, 3 what would that refer to here?	Page So there's a business decision depending, is it a secondary account, because we may be getting	293
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	Page 294		Page 296
1	Is AmerisourceBergen Corporation	1	form.
2	ussisting, chaoting its competitors to	2	THE WITNESS: No. I think I
3	return primary decounts by providing	3	stated that they are a secondary
4	these accounts with, quote, high-risk	4	account. And there's a question,
5	controlled substances because the primary	5	it's not a statement, it's a
6	distributor has limited the account's	6	question of whether that's
7	controlled substances quantities to limit	7	that's occurring. I don't know.
8	its exposure.	8	These are licensed
9	Do you see that?	9	pharmacies that we're secondary
10	A. Yes.	10	because most a lot of our
11	Q. Do you have any	11	primary customers may have a
12	understanding what that's about?	12	secondary account. That's just
13	A. That's a question. Yes.	13	the nature of the industry in the
14	Q. Is that a consideration that	14	supply chain.
15	Amerisource looks at when they're looking	15	BY MR. PIFKO:
16	at the dollar volume and controlled	16	Q. Right. So I'm not saying
17	substances ratio of certain accounts?	17	that that is occurring.
18	MR. NICHOLAS: Object to the	18	I'm just saying that that's
19	form.	19	what this is addressing; it's saying if
20	THE WITNESS: As I	20	there's an account that's a low-dollar
21	indicated, the decision is, if	21	account and they're buying a lot of
22	they are a secondary account, why	22	controlled substances, one consideration
23	are they a secondary account? And	23	we should have is if we're helping a
24	what products are we supplying	24	competitor account or the primary
	Page 295		Page 297
1	_	1	account of a competitor, are we helping
2		1	them buy more controlled substances? We
3	continue.		should think about that if we're going to
4	We're not raising their		service this account.
_	<u> </u>	1 *	
5	threshold. We're not you know.	5	
6	threshold. We're not you know, they're not we're not diverting		MR. NICHOLAS: Objection.
	they're not we're not diverting	5	MR. NICHOLAS: Objection. BY MR. PIFKO:
6	they're not we're not diverting product. So it's a business	5 6	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's
6 7	they're not we're not diverting	5 6 7	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking?
6 7 8	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as	5 6 7 8	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's
6 7 8 9	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as simple as that.	5 6 7 8 9	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking? MR. NICHOLAS: Object to the form.
6 7 8 9	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as simple as that. BY MR. PIFKO:	5 6 7 8 9	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking? MR. NICHOLAS: Object to the form. THE WITNESS: Again, it's a
6 7 8 9 10 11	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as simple as that. BY MR. PIFKO: Q. The way I read this, it	5 6 7 8 9 10 11	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking? MR. NICHOLAS: Object to the form. THE WITNESS: Again, it's a question. It's not a statement.
6 7 8 9 10 11	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as simple as that. BY MR. PIFKO: Q. The way I read this, it seems to me like they're saying, if we're	5 6 7 8 9 10 11	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking? MR. NICHOLAS: Object to the form. THE WITNESS: Again, it's a question. It's not a statement. Again, it's just something
6 7 8 9 10 11 12 13	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as simple as that. BY MR. PIFKO: Q. The way I read this, it seems to me like they're saying, if we're going to service this low-dollar,	5 6 7 8 9 10 11 12	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking? MR. NICHOLAS: Object to the form. THE WITNESS: Again, it's a question. It's not a statement. Again, it's just something that's listed here as a question.
6 7 8 9 10 11 12 13	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as simple as that. BY MR. PIFKO: Q. The way I read this, it seems to me like they're saying, if we're going to service this low-dollar, high-volume controlled substances	5 6 7 8 9 10 11 12 13	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking? MR. NICHOLAS: Object to the form. THE WITNESS: Again, it's a question. It's not a statement. Again, it's just something
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6 7 8 9 10 11 12 13 14 15 16	they're not we're not diverting product. So it's a business decision of whether they want to maintain these customers. It's as simple as that. BY MR. PIFKO: Q. The way I read this, it seems to me like they're saying, if we're going to service this low-dollar, high-volume controlled substances account, they could be a primary customer of another distributor and we're helping	5 6 7 8 9 10 11 12 13 14 15	MR. NICHOLAS: Objection. BY MR. PIFKO: Q. Do you agree that that's what they're asking? MR. NICHOLAS: Object to the form. THE WITNESS: Again, it's a question. It's not a statement. Again, it's just something that's listed here as a question. If it's a secondary account, is it an account we want to continue servicing because we're going to
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Page 298 Page 300 Q. But -- okay. I agree A ¹ That's what the consideration is here. ² says, Is there a potential to transition MR. NICHOLAS: Object to the ³ this secondary account to primary? 3 form. We're kind of going round Agree. It sounds like and round. ⁵ they're saying, can this customer become THE WITNESS: Again, the ⁶ a primary customer, maybe that's a reason 6 consideration is not that -- and ⁷ we want to work with them. we don't know if the primary is 8 limiting their controls. All we But B, I'm not saying a 9 know is we have a secondary ⁹ specific instance, I'm just asking you, 10 it appears that what they're asking --10 account that is buying a high 11 they're talking about limiting -- a 11 volume of controls, which could be 12 ¹² competitor wanting to maybe limit its because they're buying less ¹³ exposure by having this customer buy from 13 controls from our competitor, and 14 vou. 14 is that the account -- the kind of 15 15 account we want as a secondary And I'm just asking, is that 16 ¹⁶ what they're -- is that a risk that the account? company is looking at here when they're 17 BY MR. PIFKO: considering this issue? 18 Q. Let me ask you a different 19 MR. NICHOLAS: Object to the question. 20 20 form. If you knew that an account 21 THE WITNESS: It doesn't ²¹ was buying controls from you to skirt 22 22 thresholds set by one of your have anything to do -- it doesn't ²³ competitors, is that an account you would 23 have anything to do with the 24 competitor. It has to do with the ²⁴ want to service? Page 299 Page 301 1 1 customer. MR. NICHOLAS: Object to the 2 2 They may be choosing to buy form. 3 their controlled substances from 3 Go ahead. 4 4 us versus our competitor THE WITNESS: I wouldn't 5 because -- for whatever reason. 5 know. I mean, I don't know if 6 6 So I don't want you to read that's occurring. You're giving 7 7 too much into that, other than the me a hypothetical. 8 8 fact that this question is, is Again, you know, it all 9 this an area that they're buying 9 depends upon the circumstances of 10 10 their controls from us while the customer, the account, when 11 11 their contract is going to expire. buying non-controls from another 12 12 There's a lot of business -- other one. 13 13 things that are involved in that And if that's the case, is 14 14 that -- is that what we want to decision. 15 15 do? Do we want to service that BY MR. PIFKO: 16 16 Q. So you can't say for sure account? 17 that if you knew a customer was coming to 17 BY MR. PIFKO: you because they were told no from their 18 Q. Right. Because I'm primary supplier, you can't say that ¹⁹ literally reading the document. It says, ²⁰ Is AmerisourceBergen assisting/enabling that's not somebody you would want to 21 its customers? And then it talks 21 work with? 22 ²² about -- or competitors. MR. NICHOLAS: Wait a 23 And it talks about limiting, minute. Object to the form. 24 ²⁴ are they wanting to limit their exposure? Mischaracterizes the testimony.

	Christopher Zimmerman	. 1	(Ameriboureedergen)
	Page 302		Page 304
1	THE WITNESS: I'm not going	1	e-mail?
2	to answer a hypothetical.	2	A. I don't.
3	You're throwing, if somebody	3	Q. Do you have any reason to
4	did X, would we do Y? I'm just	4	believe this is not a true and correct
5	not in a position to make those	5	copy of an e-mail that you received?
6	kinds of statements.	6	A. No, I don't doubt that.
7	BY MR. PIFKO:	7	Q. We did talk about the HDMA a
8	Q. So it wouldn't bother you if	8	little bit earlier.
9	a company was coming to you to circumvent	9	Did you serve did you
10	a competitor's controlled substances	10	serve, in any capacity, on any committee
11	requirements?	11	or board or group within the HDMA?
12	MR. NICHOLAS: Object to the	12	A. At some point, I was on the
13	form. Asked and answered.	13	regulatory affairs committee. And now
14	Mischaracterizes the testimony.		I'm on the public I think they call it
15	Probably way outside the scope of	15	the public policy committee.
16	the 30(b)(6) as well.	16	Q. Do you believe that you were
17	THE WITNESS: Again, you're	17	on the regulatory affairs committee at
18	giving me a hypothetical set of	18	
19	circumstances and you want me to	19	September of 2007?
20	give you an answer. And I can't,	20	A. Could have been, yes.
21	because I don't know the all	21	Q. Do you recall what your
22	the whatever else you're	22	
23	including in your hypothetical.	23	-
24		24	A. As a member, I mean, we
			71. 715 a member, I mean, we
_			
	Page 303		Page 305
1	(Whereupon, Amerisource		would talk about regulatory issues facing
1 2	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-11,		would talk about regulatory issues facing wholesalers.
	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-11, CAH_MDL_PRIORPROD_DEA_07_00880890-	3	would talk about regulatory issues facing wholesalers. Q. Regulatory issues concerning
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	CIII ISCOPIIEI ZIIIIIIEI III A		
	Page 306		Page 308
1	Q. Do you recall there being		one in years. People on my staff attend
2	more activity between members of the	2	them.
3	industry and DEA at that time?	3	Q. When do you recall having
4	A. As I previously stated, I	4	last attended one?
5	mean, when I started, we met with DEA	5	A. It may have been 2009. I am
6	every six months and it was a regular	6	not sure if I attended one in 2011. But
7	activity. And then with the training	7	I know I haven't attended one for the
8	program, we met with them a lot more;	8	last, you know, years.
9	there was a lot more communication.	9	Q. You've always someone
10	In 2007, this came shortly	10	from Amerisource has always been sent to
11	after this is probably within weeks	11	one of these conferences?
12	after we got our distribution center back	12	A. Usually, yes.
13	and implemented our new program. So	13	Q. And do they continue to this
14	there was a lot of activity on this	14	day?
15	subject matter.	15	A. Yes.
16	Q. Do you know why the HDMA	16	Q. Do you know if there was one
17	would have been having a meeting with the	17	in 2016?
18	DEA at this time?	18	A. I don't know if it's 2016 or
19	MR. NICHOLAS: Object to the	19	2017, but they have them every two years.
20	form.	20	Q. Okay. Does anyone take
21	THE WITNESS: As I	21	notes at these meetings?
22	indicated, at that time, they	22	A. I don't know if HDA as
23	would meet regularly with them; if	23	does that or not. I don't know.
24	not every six months, every year.	24	Q. Do you direct any of your
	Page 307		Page 309
1	Page 307 I don't know if this is a regular	1	Page 309 staff members to take notes of the
1 2	I don't know if this is a regular		staff members to take notes of the
	I don't know if this is a regular meeting that they have to discuss		staff members to take notes of the meetings if you don't attend?
2	I don't know if this is a regular meeting that they have to discuss issues with distributors or	3	staff members to take notes of the meetings if you don't attend? A. They would I would assume
2 3	I don't know if this is a regular meeting that they have to discuss issues with distributors or distributors wanting	3 4	staff members to take notes of the meetings if you don't attend? A. They would I would assume they would take notes. DEA usually
2 3 4	I don't know if this is a regular meeting that they have to discuss issues with distributors or distributors wanting clarification.	2 3 4 5	staff members to take notes of the meetings if you don't attend? A. They would I would assume they would take notes. DEA usually provides the slides that they produce at
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		LI	(AmerisourceBergen)
	Page 310		Page 312
1	MR. NICHOLAS: I'm going to	1	Q. Do you know if he still
2	just object to the questions, only	2	works at Cardinal Health?
3	to the extent that the witness	3	A. He does not.
4	said he hasn't been to one of	4	Q. Does he work for another
5	these conferences himself since	5	distributor, do you know?
6	2009 or maybe 2011.	6	A. He's retired.
7	So I want to make sure the	7	Q. How about Anita Ducca, do
8	record is clear that we're, you	8	you know who that is?
9	know he's not talking about	9	A. I believe yes, I do.
10	he can only talk about what he can	10	Q. Who is she?
11	talk about.	11	A. I believe she's vice
12	Go ahead.	12	president of regulatory affairs for HDMA.
13	THE WITNESS: Years back,	13	Q. So then Brian sends this to
14	yeah, we would talk about	14	Steve Reardon, and says, Steve, pasted
15	regulatory issues or how we do	15	below please find the summary of HDMA's
16	things or, you know, what those	16	meeting with the DEA last Friday. Please
17	type of things.	17	·
18	BY MR. PIFKO:	18	Do you see that?
19	Q. Is there a meeting through	19	A. Yes.
20	the HDMA, after these conferences, where	20	Q. And then it's got a summary
21	the members get together and discuss what	21	•
22	was said at the conference and their	22	It says, Key takeaways from
23	views on the information that the DEA	23	* * *
24	might have shared at the conference?	24	is?
	•		
	Paga 211		Paga 212
1	Page 311 MR NICHOLAS: Same	1	Page 313
1 2	MR. NICHOLAS: Same	1 2	A. Yes.
	MR. NICHOLAS: Same objection for the same reason.	2	A. Yes.Q. DEA's policy was to expect
2	MR. NICHOLAS: Same objection for the same reason. THE WITNESS: My	2	A. Yes. Q. DEA's policy was to expect more than just reporting suspicious
2 3	MR. NICHOLAS: Same objection for the same reason. THE WITNESS: My recollection was that, you know,	3 4	A. Yes. Q. DEA's policy was to expect more than just reporting suspicious orders. If there was a suspicious order,
3 4	MR. NICHOLAS: Same objection for the same reason. THE WITNESS: My recollection was that, you know, there would be discussions prior	2 3 4 5	A. Yes. Q. DEA's policy was to expect more than just reporting suspicious orders. If there was a suspicious order, the distributor should either stop the
2 3 4 5	MR. NICHOLAS: Same objection for the same reason. THE WITNESS: My recollection was that, you know, there would be discussions prior to the meetings if there's	3 4	A. Yes. Q. DEA's policy was to expect more than just reporting suspicious orders. If there was a suspicious order, the distributor should either stop the delivery or should evaluate the customer
2 3 4 5 6	MR. NICHOLAS: Same objection for the same reason. THE WITNESS: My recollection was that, you know, there would be discussions prior to the meetings if there's questions that we wanted to bring	2 3 4 5 6	A. Yes. Q. DEA's policy was to expect more than just reporting suspicious orders. If there was a suspicious order, the distributor should either stop the delivery or should evaluate the customer further before delivering it.
2 3 4 5 6 7	MR. NICHOLAS: Same objection for the same reason. THE WITNESS: My recollection was that, you know, there would be discussions prior to the meetings if there's questions that we wanted to bring up, as an industry.	2 3 4 5 6 7	A. Yes. Q. DEA's policy was to expect more than just reporting suspicious orders. If there was a suspicious order, the distributor should either stop the delivery or should evaluate the customer further before delivering it. Do you see that?
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	Page 314		Page 316
1	position at the time?	1	Q. Upon receiving this e-mail,
2	A. As I previously indicated,	2	did AmerisourceBergen take any steps to
3	there's many requirements to have	3	respond to the idea that DEA did not have
4	adequate controls to prevent diversion,	4	adequate resources to inspect pharmacies
5	other than just to report a suspicious	5	and, therefore, it was important for them
6	order, yes.	6	to, quote, know their customer?
7	Q. It then says, DEA indicated	7	MR. NICHOLAS: Object to the
8	that they did not have the resources to	8	form.
9	inspect every pharmacy; therefore, it was	9	THE WITNESS: No. This
10	important for the distributor to, quote,	10	is like I indicated previously,
11	know their customers, end quote.	11	this is maybe a couple of weeks
12	Do you see that?	12	after we negotiated our program
13	A. I see that.	13	which contained the "know your
14	Q. Did you have an	14	customer." So there's no use to
15	understanding that that was the DEA's	15	respond to this. This is our
16	position at the time?	16	program.
17	A. I've never seen it stated as	17	BY MR. PIFKO:
18	such, that a lack of resources by DEA	18	Q. Let's go to the next page.
19	imposes a requirement upon a registrant	19	It says, DEA provided
20	over and above their regulatory	20	examples of what a wholesale distributor
21	responsibilities.	21	should do to, quote, know their
22	Q. Well, they sent this e-mail	22	customers, end quote, and what to look
23	to you saying this in 2007.	23	for.
24	A. Yes.	24	Do you see that?
	D 015		
	Page 315	1	Page 317
1	Q. Do you recall discussing	1	A. Yes. I see that, yes.
2	Q. Do you recall discussing that with anyone?	2	A. Yes. I see that, yes.Q. Do you recall getting
2 3	Q. Do you recall discussing that with anyone? A. No.		A. Yes. I see that, yes. Q. Do you recall getting guidance from the DEA on what you should
2 3 4	Q. Do you recall discussing that with anyone?A. No.Q. Do you recall being shocked	2 3 4	A. Yes. I see that, yes. Q. Do you recall getting guidance from the DEA on what you should do to know your customers?
2 3 4 5	 Q. Do you recall discussing that with anyone? A. No. Q. Do you recall being shocked that that was a new position of the DEA 	2 3 4 5	A. Yes. I see that, yes. Q. Do you recall getting guidance from the DEA on what you should do to know your customers? MR. NICHOLAS: Object to the
2 3 4 5 6	Q. Do you recall discussing that with anyone? A. No. Q. Do you recall being shocked that that was a new position of the DEA of which you weren't familiar with?	2 3 4 5 6	A. Yes. I see that, yes. Q. Do you recall getting guidance from the DEA on what you should do to know your customers? MR. NICHOLAS: Object to the form. It seems like you'd want to
2 3 4 5 6 7	Q. Do you recall discussing that with anyone? A. No. Q. Do you recall being shocked that that was a new position of the DEA of which you weren't familiar with? A. No.	2 3 4 5 6 7	A. Yes. I see that, yes. Q. Do you recall getting guidance from the DEA on what you should do to know your customers? MR. NICHOLAS: Object to the form. It seems like you'd want to call his attention to the
2 3 4 5 6 7 8	Q. Do you recall discussing that with anyone? A. No. Q. Do you recall being shocked that that was a new position of the DEA of which you weren't familiar with? A. No. Q. Okay. So that's consistent	2 3 4 5 6 7 8	A. Yes. I see that, yes. Q. Do you recall getting guidance from the DEA on what you should do to know your customers? MR. NICHOLAS: Object to the form. It seems like you'd want to call his attention to the additional sentences in the
2 3 4 5 6 7 8	Q. Do you recall discussing that with anyone? A. No. Q. Do you recall being shocked that that was a new position of the DEA of which you weren't familiar with? A. No. Q. Okay. So that's consistent with the DEA's position as far as you	2 3 4 5 6 7 8	A. Yes. I see that, yes. Q. Do you recall getting guidance from the DEA on what you should do to know your customers? MR. NICHOLAS: Object to the form. It seems like you'd want to call his attention to the additional sentences in the paragraph to help answer the
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	Page 318		Page 320
1	Q. Did you have an	1	and the checks with the state and
2	understanding that you should inspect	2	federal agencies.
3	customers who are existing customers?	3	So the form is the beginning
4	A. No.	4	of the investigation process. And
5	Q. It says, They referring	5	so when I say the 590, I should
6	to the BERT also mentioned such actions	6	probably clarify better, that's
7	as, quote, doing Google searches, end	7	the entire investigation process
8	quote, to determine if the pharmacy's	8	and onboarding. And we started
9	name was affiliated with an Internet site	9	doing that with existing customers
10	and getting information from the state as	10	as well.
	to the nature and number of prior legal	11	BY MR. PIFKO:
12	actions against a pharmacy.	12	Q. Would you do it with any
13	Do you see that?	13	frequency of existing customers, or would
14	A. Yes.	14	you just do it once, get the form and
15	Q. Did you have an	15	then move forward?
16	understanding that the DEA expected you	16	MR. NICHOLAS: Object to the
17	to do those things?	17	form.
18	MR. NICHOLAS: Object to the	18	THE WITNESS: Again, in
19	form.	19	this we're talking the date of
20	Go ahead.	20	this letter, we were just
21	THE WITNESS: That was	21	implementing our program. So, you
22	contained in our form, and that	22	know, we moved forward from that.
23	was part of our process.	23	But in 2007, as of this
24	BY MR. PIFKO:	24	date, August, whatever, we were
	Page 319		Page 321
	1 480 519		1 age 321
1	Q. But, again, that was limited	1	doing new customer due diligence
1 2	_	1 2	_
2	Q. But, again, that was limited to to the extent it was part of your		doing new customer due diligence at this time.
2 3	Q. But, again, that was limited	2	doing new customer due diligence at this time.
2 3	Q. But, again, that was limited to to the extent it was part of your process, it was limited to the new	2 3 4	doing new customer due diligence at this time. BY MR. PIFKO:
2 3 4	Q. But, again, that was limited to to the extent it was part of your process, it was limited to the new customer due diligence?	2 3 4 5	doing new customer due diligence at this time. BY MR. PIFKO: Q. How about after that; at any
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Page 324 Page 322 ¹ year, whatever, kind of thing? ¹ you gathered those forms for new 2 ² customers from when you started the MR. NICHOLAS: Object to the 3 program in 2007. And at some point you form. THE WITNESS: I don't ⁴ started doing it for existing customers. 5 Do you recall at what point recall. BY MR. PIFKO: that was? A. I don't know specifically. Q. It says, towards the bottom, 8 second-to-last bullet point, DEA also 8 O. Would it have been in 2009? ⁹ indicated that they were not going to A. It could have been the next ¹⁰ make a decision for the wholesale week, if there was an issue, you know, 11 distributor as to when an order was 11 if -- you go back to this -- the other ¹² suspicious. They feel this is up to the document you showed, that if a customer ¹³ distributor. was going to be looking to be resized, it 14 Do you see that? ¹⁴ would be a 590. If it was an existing 15 customer, we would get a 590. A. Yes. 16 Any new customer at ABC Q. Did you understand that the determination of whether an order was onboarding created a 590; any change, we suspicious was up to you? would capture the 590 as well. It could 19 A. Yes. ¹⁹ be -- it wasn't in 2009, we started doing 20 that, we started doing that immediately. Q. The last bullet point says, ²¹ DEA suggested that distributors should Q. I thought I heard you say, ²² check on the pharmacy's prescribing 22 though, at some point, you undertook a ²³ physicians. They pointed to some states process to get Form 590s for all your ²⁴ having online systems by which a ²⁴ existing customers. Page 323 Page 325 ¹ distributor could check to see if a Did I mishear you? ² prescribing physician had a valid DEA A. So at some point, if we had ³ registration. DEA suggested that ³ a customer that was a 20-year customer, ⁴ distributors ask who the doctors are that ⁴ had never placed an order that ever met ⁵ are prescribing, where the pharmacy is ⁵ the requirement, had never had an issue, ⁶ we started to process that, even though ⁶ geographically with respect to its prescribing doctors, and the patient ⁷ we never had an issue with this customer population. for 15 years, let's start to get a 590. 9 Do you see that? If you had a customer that 10 A. Yes. wanted to do a change in its business 11 Q. Did you have an activity or what have you, we would get a understanding that that's what you were ¹² 590 on those. 13 supposed to do, from the DEA? Q. I'm just trying to 14 MR. NICHOLAS: Object to the understand, the first thing that you just 15 mentioned of getting them for any -- any form. customer, when was the time period when 16 Go ahead. 17 THE WITNESS: I believe you believe that was started? 18 18 that's what we were doing. A. I don't recall. BY MR. PIFKO: 19 Q. Was it recently? 19 20 A. I don't -- I'm not sure what Q. You believe that's what you were doing in connection with the Form "recently" means, but it wasn't, like, ²² 590 process? this year. It's been -- we started that 23 Yes. Correct. process a while back. A. 24 24 At one point, you said that Two years ago?

	Christopher Zimmerman	. 1	(1111101110001100111)
	Page 326		Page 328
1	A. I don't know. I don't know.	1	(Whereupon, a brief recess
2	Q. Well after 2007?	2	was taken.)
3	A. I don't know. After 2007,	3	
4	we were getting 590s on existing	4	VIDEO TECHNICIAN: We're
5	customers, as we were building our	5	back on record at 3:26 p.m.
6	program.	6	
7	Q. I'm just asking about this	7	(Whereupon, a discussion off
8	process that you said, at some point, you	8	the record occurred.)
9	undertook an effort to get it from	9	the record occurred.)
10	<u> </u>	10	(Whataupan Americaurea
	existing customers, just going through	11	(Whereupon, Amerisource
	and getting them, regardless of whether	12	Bergen-Zimmerman Exhibit-12,
	there was an incident.		MNKT1_0000291614-1620, was marked
13	And I'm just trying to	13	for identification.)
14	diacistana	14	
15	A. And I don't know		BY MR. PIFKO:
16	Q about when that happened.	16	Q. I've just handed you what's
17	A when that happened. I	17	marked as Exhibit-12. It's a document
18	don't know.	18	Bates labeled MNKT1_0000291614 through
19	Q. Do you recall taking any	19	MR. CLUFF: This is another
20	action, as a result of receiving this	20	one
21	e-mail describing the DEA's position on	21	BY MR. PIFKO:
22	-	22	Q 1620.
23	MR. NICHOLAS: Object to the	23	MR. CLUFF: where we
24	form.	24	
4 1	101111.	24	obtained permission from
		24	obtained permission from
	Page 327		Page 329
1	Page 327 THE WITNESS: I'm not sure	1	Page 329 Mallinckrodt's counsel prior to
1 2	Page 327 THE WITNESS: I'm not sure what action I don't recall	1 2	Page 329 Mallinckrodt's counsel prior to its use today.
1 2 3	Page 327 THE WITNESS: I'm not sure what action I don't recall getting the e-mail, so I don't	1 2 3	Page 329 Mallinckrodt's counsel prior to its use today. MR. NICHOLAS: Okay.
1 2 3 4	Page 327 THE WITNESS: I'm not sure what action I don't recall getting the e-mail, so I don't recall reading the e-mail and then	1 2 3	Page 329 Mallinckrodt's counsel prior to its use today. MR. NICHOLAS: Okay. BY MR. PIFKO:
1 2 3 4 5	Page 327 THE WITNESS: I'm not sure what action I don't recall getting the e-mail, so I don't recall reading the e-mail and then any action.	1 2 3 4 5	Page 329 Mallinckrodt's counsel prior to its use today. MR. NICHOLAS: Okay. BY MR. PIFKO: Q. Could you take a minute to
1 2 3 4 5 6	Page 327 THE WITNESS: I'm not sure what action I don't recall getting the e-mail, so I don't recall reading the e-mail and then any action. This is two weeks after we	1 2 3 4 5	Page 329 Mallinckrodt's counsel prior to its use today. MR. NICHOLAS: Okay. BY MR. PIFKO: Q. Could you take a minute to take a look at this document, please?
1 2 3 4 5	Page 327 THE WITNESS: I'm not sure what action I don't recall getting the e-mail, so I don't recall reading the e-mail and then any action. This is two weeks after we put our program in place, which is	1 2 3 4 5	Page 329 Mallinckrodt's counsel prior to its use today. MR. NICHOLAS: Okay. BY MR. PIFKO: Q. Could you take a minute to take a look at this document, please? A. Yes.
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1 2 3 4 5 6 7 8	Page 327 THE WITNESS: I'm not sure what action I don't recall getting the e-mail, so I don't recall reading the e-mail and then any action. This is two weeks after we put our program in place, which is pretty much the points that	1 2 3 4 5 6 7 8	Page 329 Mallinckrodt's counsel prior to its use today. MR. NICHOLAS: Okay. BY MR. PIFKO: Q. Could you take a minute to take a look at this document, please? A. Yes. Q. Let me know when you're
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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	THE WITNESS: I'm not sure what action I don't recall getting the e-mail, so I don't recall reading the e-mail and then any action. This is two weeks after we put our program in place, which is pretty much the points that they're hitting on. And I think this is in September. And I spoke at their conference, I think it was November, and covered pretty much these same points. So our program was already meeting these requirements. MR. NICHOLAS: Mark before you go to another document, it's been two hours. Can we take a break? MR. PIFKO: Sure.	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Mallinckrodt's counsel prior to its use today. MR. NICHOLAS: Okay. BY MR. PIFKO: Q. Could you take a minute to take a look at this document, please? A. Yes. Q. Let me know when you're done. I was only going to ask you about a couple of things on here, in the interest of time. Feel free to look at it, but I can direct you to the couple of questions. Have you seen this document before? A. I don't recall seeing it before. Q. It says, HDMA, DMC expo, 2011. Do you know what an HDMA,

	Christopher Zimmermai	. 1	(Inner ibour ceber gen)
	Page 330		Page 332
1	that's what they're referring to.	1	interacted with before?
2	Q. When you were on you've	2	A. I have.
3	been you've had a role with respect to	3	Q. It says she's chief policy
	the HDMA for a long time now, right?	4	and liaison, Drug Enforcement
	You've had different roles.	5	Administration.
6	I think I forget, but you	6	A. Correct.
7	were on one committee and then you're on	7	Q. What did she do, as far as
8	•	8	your interactions with her?
9	some other committee now, right? A. That's correct.	9	· •
10			A. She would be one, if we had
١	Q. So you've always had an	10	a policy question or a process question,
11	affiliation with the HDMA?	1	that we would either write to her or call
12	A. Yes.		her.
13	Q. Have you attended this	13	Q. It says here, Cathy gave a
14	conference in the past?	14	offer overview of not topics current
15	A. I have.	15	within the DEA.
16	Q. Do you believe you attended	16	Do you see that?
17	this one?	17	A. Yes.
18	A. I may have. It's like with	18	Q. In conferences in HDMA
19	the other one, I don't I haven't	19	conferences you do remember attending, do
20	attended them the last for years. I	20	you remember the DEA presenting current
21	just don't know when when I stopped	21	topics of interest to the members of the
22	attending.	22	industry at these conferences?
23	Q. You see at the top here, it	23	A. Yes. There was usually a
24	says, Attendees included	24	segment that DEA presented at.
	•		•
	Daga 221		Daga 222
1	Page 331	1	Page 333
	AmerisourceBergen, Cardinal, H.D. Smith,	1	Q. One of these, if you scroll
2	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson,	2	Q. One of these, if you scroll way down to the bottom,
3	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and	2	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase
3 4	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more.	2 3 4	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable
2 3 4 5	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that?	2 3 4 5	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most
2 3 4 5 6	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes.	2 3 4 5 6	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent.
2 3 4 5	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would	2 3 4 5	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that?
2 3 4 5 6 7 8	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences	2 3 4 5 6	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent.
2 3 4 5 6 7 8	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would	2 3 4 5 6 7	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that?
2 3 4 5 6 7 8	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences	2 3 4 5 6 7 8 9	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry
2 3 4 5 6 7 8	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself?	2 3 4 5 6 7 8 9	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a
2 3 4 5 6 7 8 9 10	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes.	2 3 4 5 6 7 8 9	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry
2 3 4 5 6 7 8 9 10 11 12	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want	2 3 4 5 6 7 8 9 10	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011?
2 3 4 5 6 7 8 9 10 11 12 13	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with	2 3 4 5 6 7 8 9 10 11 12	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the
2 3 4 5 6 7 8 9 10 11 12 13	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed	2 3 4 5 6 7 8 9 10 11 12 13	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form.
2 3 4 5 6 7 8 9 10 11 12 13	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here.	2 3 4 5 6 7 8 9 10 11 12 13	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No.
2 3 4 5 6 7 8 9 10 11 12 13 14	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here	2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here are about a specific DEA session that occurred on March 7th at this conference.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO: Q. Do you recall discussing
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here are about a specific DEA session that occurred on March 7th at this conference. Do you see that just on the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO: Q. Do you recall discussing that with anyone at the HDMA at any point?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here are about a specific DEA session that occurred on March 7th at this conference.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO: Q. Do you recall discussing that with anyone at the HDMA at any point? A. I don't recall discussions
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here are about a specific DEA session that occurred on March 7th at this conference. Do you see that just on the first page at the top? A. Yes. ^^	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO: Q. Do you recall discussing that with anyone at the HDMA at any point? A. I don't recall discussions regarding emergency room visits, no.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here are about a specific DEA session that occurred on March 7th at this conference. Do you see that just on the first page at the top? A. Yes. ^^ Q. Do you know who Cathy	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO: Q. Do you recall discussing that with anyone at the HDMA at any point? A. I don't recall discussions regarding emergency room visits, no. Q. Do you have any reason to
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here are about a specific DEA session that occurred on March 7th at this conference. Do you see that just on the first page at the top? A. Yes. ^^ Q. Do you know who Cathy Gallagher is?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO: Q. Do you recall discussing that with anyone at the HDMA at any point? A. I don't recall discussions regarding emergency room visits, no. Q. Do you have any reason to dispute this fact?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	AmerisourceBergen, Cardinal, H.D. Smith, McKesson, Lilly, Johnson & Johnson, Purdue, Sanofi, Aventis, AmeriCares and many more. Do you see that? A. Yes. Q. So you believe you would always send someone to these conferences if you didn't attend yourself? A. Yes. Q. I just want to know, I want to ask you about your familiarity with some of the topics that were discussed here. This is the notes here are about a specific DEA session that occurred on March 7th at this conference. Do you see that just on the first page at the top? A. Yes. ^^ Q. Do you know who Cathy	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. One of these, if you scroll way down to the bottom, second-to-the-last bullet point, Increase of ER visits are 97 percent contributable to pharmaceuticals; opioids are the most frequent. Do you see that? A. Yes. Q. Do you recall that being a topic of discussion within the industry in 2011? MR. NICHOLAS: Object to the form. THE WITNESS: No. BY MR. PIFKO: Q. Do you recall discussing that with anyone at the HDMA at any point? A. I don't recall discussions regarding emergency room visits, no. Q. Do you have any reason to

Christopher Zimmerm	ian (AmerisourceBergen)
Page 33	Page 336
¹ THE WITNESS: I'm assuming	¹ attorney-client privilege.
that these are bullet points based	Otherwise, you can answer.
³ upon DEA slides. So, I mean, this	³ THE WITNESS: No.
is what DEA presented.	⁴ BY MR. PIFKO:
⁵ BY MR. PIFKO:	⁵ Q. Aside from communications
⁶ Q. Let's turn to the next page.	⁶ with the HDMA and this conference, are
⁷ Look at the heading, Rogue	⁷ you familiar with the idea of migration?
8 Pain Clinics in Florida.	8 MR. NICHOLAS: Objection.
9 Do you see that?	9 Outside the scope of the 30(b)(6).
10 A. Yes.	THE WITNESS: I'm not in
Q. It talks about Operation	what context?
Pill Nation, it looks like some sort of	12 BY MR. PIFKO:
13 enforcement initiative.	Q. Well, okay, you're the top
And then it says, Problem	dog with respect to the CSRA and
15 now is migration, in quotes, vast	15 compliance at the company.
16 majority of patients are visiting Florida	And I just want to know, in
17 from out of state.	Tind I just want to know, in
nom out of state.	serving in that role at the company, if
it illentions various states,	this fact of out of state people going to
meraams omo.	different states to buy pins and
Do you see that:	migrating them back to their hometown, if
11. 105.	that's something that you are familiar
Q. Do you recan ever	with? 23 A I've seen articles that
23 discussing the topic of migration amongst	71. I ve seen ditieres that
²⁴ members of the industry or with HDA?	²⁴ reference that.
Page 33	Page 337
¹ MR. NICHOLAS: Objection.	¹ Q. When do you believe you've
Not to the form, but to the fact	² seen articles about that?
3 that I think this is completely	³ A. I can't cite specific ones.
outside the scope of the 30(b)(6),	⁴ Q. How about general ones?
5 unless you can tell me	⁵ A. I can't cite general ones.
6 MR. PIFKO: He's the had	⁶ Q. So you can't cite any is
⁷ representative. I believe you	⁷ what you're saying?
8 designated him for that topic.	8 MR. NICHOLAS: You're asking
⁹ THE WITNESS: I don't	9 him to cite an article?
10 recall	
¹⁰ recall.	¹⁰ BY MR. PIFKO:
recall. 11 BY MR. PIFKO:	BY MR. PIFKO:Q. You've referenced that
iccaii.	
11 BY MR. PIFKO:	Q. You've referenced that
11 BY MR. PIFKO: 12 Q. Did you undertake any	Q. You've referenced that you've seen articles, but you can't
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this	Q. You've referenced that you've seen articles, but you can't identify a specific article, correct?
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with	Q. You've referenced that you've seen articles, but you can't identify a specific article, correct? A. Correct.
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations?	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations? 16 A. I did not review any HDMA	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you 16 might have first heard of the idea of
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations? 16 A. I did not review any HDMA 17 presentations.	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you 16 might have first heard of the idea of 17 migration?
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations? 16 A. I did not review any HDMA 17 presentations. 18 Q. Did you talk to anybody to 19 familiarize yourself with	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you 16 might have first heard of the idea of 17 migration? 18 MR. NICHOLAS: Objection.
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations? 16 A. I did not review any HDMA 17 presentations. 18 Q. Did you talk to anybody to 19 familiarize yourself with	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you 16 might have first heard of the idea of 17 migration? 18 MR. NICHOLAS: Objection. 19 Outside the scope.
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations? 16 A. I did not review any HDMA 17 presentations. 18 Q. Did you talk to anybody to 19 familiarize yourself with 20 AmerisourceBergen's role in participating	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you 16 might have first heard of the idea of 17 migration? 18 MR. NICHOLAS: Objection. 19 Outside the scope. 20 Are you asking him in the
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations? 16 A. I did not review any HDMA 17 presentations. 18 Q. Did you talk to anybody to 19 familiarize yourself with 20 AmerisourceBergen's role in participating 21 in HDMA-related events?	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you 16 might have first heard of the idea of 17 migration? 18 MR. NICHOLAS: Objection. 19 Outside the scope. 20 Are you asking him in the 21 30(b)(6) context or otherwise?
11 BY MR. PIFKO: 12 Q. Did you undertake any 13 activities, in preparing for this 14 deposition, to familiarize yourself with 15 HDMA presentations? 16 A. I did not review any HDMA 17 presentations. 18 Q. Did you talk to anybody to 19 familiarize yourself with 20 AmerisourceBergen's role in participating 21 in HDMA-related events? 22 MR. NICHOLAS: Hold on.	Q. You've referenced that 12 you've seen articles, but you can't 13 identify a specific article, correct? 14 A. Correct. 15 Q. When do you believe you 16 might have first heard of the idea of 17 migration? 18 MR. NICHOLAS: Objection. 19 Outside the scope. 20 Are you asking him in the 21 30(b)(6) context or otherwise? 22 MR. PIFKO: Individually.

Page 340 Page 338 1 THE WITNESS: Was it ever ¹ does business with them? 2 discussed, the term migration, as MR. NICHOLAS: Object to the 3 3 you're stating it, of people that form. were getting prescriptions filled THE WITNESS: No. 5 and then -- from out of state? I BY MR. PIFKO: 6 mean, I had read articles on that Q. Does AmerisourceBergen undertake any effort to understand the 7 and I was aware of it. identity of the doctors who write the 8 BY MR. PIFKO: majority of a particular pharmacy's Q. Okay. So migration is not a 10 term that you're familiar with, but you prescriptions? 11 are familiar with the idea of someone 11 MR. NICHOLAS: Object to the 12 12 traveling to a state and getting a form. 13 prescription and exporting it back to 13 THE WITNESS: As I indicated 14 somewhere else, correct? in the 590, that we do ask for the 15 15 MR. NICHOLAS: Object to the prescribers and that we would do a 16 16 check on the top prescribers for form. 17 17 the pharmacy. THE WITNESS: The specific 18 information that I had on that, on BY MR. PIFKO: 19 19 the articles, was that -- whether Q. So in the 590 you ask for 20 the top prescribers? they were referring to some 20 21 21 arrests that were made by some A. Yes. 22 22 individuals who had gotten O. Top what? Top ten? Top 23 prescriptions filled in another 23 five? 24 state, and they arrested them in I'm not -- I'm not sure what Page 339 Page 341 1 another state. If that makes ¹ it is today. And as I said, it's changed ² over time. So I'm not sure if it's five sense. ³ BY MR. PIFKO: ³ or ten or --Q. Did you ever attempt to Q. I would be able to know that ⁵ adopt any policies and procedures at ⁵ by looking at the 590 form over the ⁶ AmerisourceBergen to address issues with various iterations of it? ⁷ patients filling -- from out of state MR. NICHOLAS: Object to the ⁸ coming to fill prescriptions in another 8 form. ⁹ state? THE WITNESS: I would -- it 10 10 A. We had no line of sight of would depend on how the question 11 is asked on the form. I don't ¹¹ the prescriptions that are filled at the pharmacy and where the patients are 12 have it in front of me. ¹³ coming from. 13 BY MR. PIFKO: We deliver our products to O. Well, I'm just trying to ¹⁵ the licensed pharmacy. And then they understand what the company's policy was. ¹⁶ have a responsibility to ensure that the ¹⁶ And if you don't know, that's fine. 17 ¹⁷ prescriptions that they fill are I'm trying to understand ¹⁸ legitimate, as does the doctor who writes where I would go to find that information 19 them. 19 out. 20 20 The distributor is two steps So if I wanted to know ²¹ removed from that process. ²¹ where -- or when you say the top O. Does AmerisourceBergen prescribers, if I wanted to know top how 22 ²³ undertake any effort to understand where ²³ many prescribers, how would I find that ²⁴ a pharmacy's customers come from when it 24 out?

	-	_	
	Page 342		Page 344
1	71. The 570. Thi not sure if	1	question.
2	the question says the top inve	2	THE WITNESS: You have to
3	P	3	ask the person that's performing
	top six. I don't know every word.	4	that function.
5	Q. So if I had copies of every	5	BY MR. PIFKO:
6	iteration of the 590, I would know what	6	Q. Who is responsible for
7	the practice was at any particular moment	7	performing that function currently?
8	in time?	8	A. David May is the one who
9	MR. NICHOLAS: Object to the	9	oversees that department.
10	form.	10	Q. So someone under him would
11	THE WITNESS: Again, the	11	be responsible for doing that?
12	form speaks for itself.	12	A. Yes.
13	BY MR. PIFKO:	13	Q. Okay. David May joined the
14	Q. But the form would tell me	14	company in 2014.
15	that whatever information you're	15	Who served in his role prior
16	seeking?	16	to him?
17	MR. NICHOLAS: Object to the	17	A. Ed Hazewski.
18	form of the question.	18	Q. If I wanted to know, for an
19	THE WITNESS: The form has	19	earlier time period, what the company's
20	the requirements that we include	20	practices were with respect to what they
21	on the customer due diligence.	21	look at, with respect to prescribing
22	BY MR. PIFKO:	22	
23	Q. So then you said that so	23	A. Yes.
24	someone writes who the top prescribers	24	Q. And how far back was his
_	<u> </u>		
,	Page 343	1	Page 345
	are on the form.	1	tenure in that position?
2	are on the form. Then what does the CSRA do	2	tenure in that position? A. 2008, I believe. Somewhere
3	are on the form. Then what does the CSRA do with that information?	3	tenure in that position? A. 2008, I believe. Somewhere around there.
3 4	are on the form. Then what does the CSRA do with that information? A. Then they verify that the	3 4	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the
2 3 4 5	are on the form. Then what does the CSRA do with that information? A. Then they verify that the physicians are in good standing to	2 3 4 5	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the company?
2 3 4 5 6	are on the form. Then what does the CSRA do with that information? A. Then they verify that the physicians are in good standing to prescribe.	2 3 4 5 6	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the company? A. Yes.
2 3 4 5 6 7	are on the form. Then what does the CSRA do with that information? A. Then they verify that the physicians are in good standing to prescribe. Q. And where do you check to do	2 3 4 5 6 7	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the company? A. Yes. Q. What's his current role?
2 3 4 5 6 7 8	are on the form. Then what does the CSRA do with that information? A. Then they verify that the physicians are in good standing to prescribe. Q. And where do you check to do that?	2 3 4 5 6 7 8	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the company? A. Yes. Q. What's his current role? A. He's director diversion
2 3 4 5 6 7 8	are on the form. Then what does the CSRA do with that information? A. Then they verify that the physicians are in good standing to prescribe. Q. And where do you check to do that? A. I would have to defer to the	2 3 4 5 6 7 8	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the company? A. Yes. Q. What's his current role? A. He's director diversion control.
2 3 4 5 6 7 8 9	are on the form. Then what does the CSRA do with that information? A. Then they verify that the physicians are in good standing to prescribe. Q. And where do you check to do that? A. I would have to defer to the person that's performing the	2 3 4 5 6 7 8 9	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the company? A. Yes. Q. What's his current role? A. He's director diversion control. Q. In obtaining information
2 3 4 5 6 7 8 9 10	are on the form. Then what does the CSRA do with that information? A. Then they verify that the physicians are in good standing to prescribe. Q. And where do you check to do that? A. I would have to defer to the person that's performing the investigation, what websites they refer	2 3 4 5 6 7 8 9 10	tenure in that position? A. 2008, I believe. Somewhere around there. Q. Is he still with the company? A. Yes. Q. What's his current role? A. He's director diversion control. Q. In obtaining information about a pharmacy, does AmerisourceBergen
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15 they're prescribing. 17 BY MR. PIFKO: 18 Q. Do you ask, with respect to 19 opioids or controlled substances let 20 me just with respect to controlled 21 substances, do you ask who the top 22 prescribers are of controlled substances? 23 MR. NICHOLAS: Objection. 24 THE WITNESS: I don't know 25 prescribing physicians for all things 26 that they sell, or if it's just for 27 controlled substances? 28 A. Correct. 29 A. Correct. 20 Q. Based on what you know, 21 would it be a red flag if a pharmacy was 22 writing filling a substantial number 23 doctor? 24 MR. NICHOLAS: Object to the 25 form. 26 form. 27 THE WITNESS: Again, I don't 28 know the specific circumstances. 29 I don't know if the pharmacy is across the border. I don't know. I don't know. 29 BY MR. PIFKO: 20 Q. I'm asking a more general 21 duestion. 22 generically, is that information that you would seek out, or is that something that you're not interested in? 25 MR. NICHOLAS: Object to the form of the question. 26 MR. NICHOLAS: I'll object to the form of the question. 27 THE WITNESS: Again, I don't know. 28 BY MR. PIFKO: 29 A. Correct. 20 Q. Based on what you know, 21 would it be a red flag if a pharmacy was 21 writing filling a substantial number 22 that they sell, or if it's just for 33 of prescriptions from an out-of-area 34 doctor? 35 MR. NICHOLAS: Object to the form. 36 MR. NICHOLAS: Object to the form. 37 THE WITNESS: Again, I don't know. 38 BY MR. PIFKO: 39 A. Correct. 40 Q. Based on what you know, 41 would it be a red flag if a pharmacy was 42 writing filling a substantial number 43 doctor? 44 doctor? 45 I t says, below the migration discussion, Identifying a rogue clinic. 46 Doyou see that? 47 Do you see that? 48 A. Yes. 49 Q. Cash-only operation. 49 Does AmerisourceBergen 40 Does AmerisourceBergen	15	doesn't indicate what medicines	15	hypothetical of giving me a
17 BY MR. PIFKO: 18 Q. Do you ask, with respect to 18 19 opioids or controlled substances let 19 is on the border of he's in one state and the pharmacy is across 19 opioids are of controlled substances, do you ask who the top 21 substances, do you ask who the top 22 prescribers are of controlled substances? 22 23 MR. NICHOLAS: Objection. 24	16	they're prescribing.	16	• •
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Page 350	Page 352
¹ pharmacy with respect to controlled	¹ A. We have a presentation that
² substances?	² they go through of some of long lines,
³ MR. NICHOLAS: Object to the	³ a lot of cash transactions. There's a
4 form.	⁴ whole host of things that we ask them to
⁵ THE WITNESS: We part of	⁵ take a look at.
6 the 590 form has that information.	⁶ Q. And then what do you do with
⁷ BY MR. PIFKO:	⁷ that information if they report it back
⁸ Q. Do you do anything to verify	8 to you?
⁹ that information, like check accounting	⁹ A. If they report it back to
¹⁰ records from a pharmacy?	10 us, we would investigate.
11 MR. NICHOLAS: Object to the	Q. What would an investigation
¹² form.	¹² entail? Who would take that up?
THE WITNESS: We do not have	MR. NICHOLAS: Let me just
any way to confirm whether people	interpose an objection to make
are paying cash or not.	sure I understand the time frame
¹⁶ BY MR. PIFKO:	that we're talking about and
Q. It says down here, Drugs	whether he's talking about as an
¹⁸ prescribed are cocktail drugs.	individual or in his 30(b)(6)
Do you see that?	¹⁹ capacity.
Oxy/hydro/Xanax. Do you see	²⁰ BY MR. PIFKO:
²¹ that?	Q. In his 30(b)(6) capacity is
²² A. Yes.	²² what I'm asking.
Q. Do you know what	²³ MR. NICHOLAS: 2007 to 2014.
²⁴ oxy/hydro/Xanax is referring to?	THE WITNESS: And what was
Paga 251	Page 252
Page 351	Page 353
¹ A. I do not.	your question? I'm sorry.
 A. I do not. Q. Oxycodone, hydrocodone and 	 your question? I'm sorry. BY MR. PIFKO:
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CITE 15 COPICE 21 miles ma	in (AmerisourceBergen)
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¹ circumstances, location, those type of	¹ activity?
² criteria.	² MR. NICHOLAS: Same
³ Q. So you evaluate the	objection. And objection to form.
⁴ circumstances and location of the	THE WITNESS: It would
⁵ incident, and that's how you decide who	5 the time frame you're talking
6 is going to investigate it?	6 about, it would be in our
7 MR. NICHOLAS: Object to the	⁷ investigative investigation
8 form.	8 records.
THE WITNESS: Yes. That's	9 BY MR. PIFKO:
part of the efficient of deciding	Q. Is there a specific fiame:
who is going to be performing the	Just investigative records?
investigation, depending upon,	MR. NICHOLAS: Object to the
again, what the issue is with the	form.
pharmacy.	Go ahead.
¹⁵ BY MR. PIFKO:	THE WITNESS: It's where we
Q. Can you identify any	maintain our investigations, yes.
occasions where a sales associate, during	¹⁷ BY MR. PIFKO:
¹⁸ the relevant time period for which you	Q. Have you ever heard the term
¹⁹ are a 30(b)(6), has identified suspicious	¹⁹ "due diligence files"?
²⁰ conduct and the company conducted an	²⁰ A. Yes.
²¹ investigation?	Q. Is that the same thing as
A. I'd have to result back to	²² your investigation records, or is that
²³ those records. I don't	23 something different?
Q. What records would I look at	A. It could be. There could be
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Page 355	
¹ to know that information?	¹ a record of the investigations within the
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	Christopher Zimmerman		·
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1	themselves such.	1	form.
2	BY MR. PIFKO:	2	THE WITNESS: When the
3	Q. Do you know if your sales	3	premise of your question is if
4	associates receive bonuses from hitting	4	they're bonus driven, I don't know
5	sales targets?	5	that. And as you and as I
6	A. I don't know	6	indicated previously, all of our
7	MR. NICHOLAS: Hold on.	7	associates have a role in their
8	This witness is not designated on	8	responsibility to make sure that
9	the topic of compensation, as you	9	we operate in compliance,
10	know. So he's not in a position	10	regardless of what their role is;
11	to answer that. There are other	11	whether they're an order filler,
12	people who can answer that	12	salesperson, record keeper.
13	question, but not him.	13	BY MR. PIFKO:
14	MR. PIFKO: It's a	14	Q. Okay. But if someone has a
15	foundational question.	15	compensation structure that's based on
16	MR. NICHOLAS: Well, I mean,	16	increasing sales, do you see that as at
17	this isn't his topic.	17	odds with identifying diversion?
18	MR. PIFKO: Okay. But he	18	MR. NICHOLAS: Objection.
19	said he doesn't know, so we got	19	Not within the scope of his areas.
20	the answer.	20	And I object to the form of the
21	BY MR. PIFKO:	21	question. It's a hypothetical
22	Q. Do you think there's a	22	question as well.
23		23	THE WITNESS: It's a
	is bonus driven be responsible for	24	hypothetical question.
_	Page 359		Page 36
	identifying diversion?	1	It goes back to the
	155 17767767 16 611 1		<u> </u>
2	MR. NICHOLAS: Objection.	2	you're giving me a set of
3	Hold on. This isn't his area.	3	you're giving me a set of potential facts and asking me to
3 4	Hold on. This isn't his area. It's not his area. You didn't	3 4	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would
3 4 5	Hold on. This isn't his area. It's not his area. You didn't designate him for this area. You	3 4 5	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would depend upon the situation.
3 4 5 6	Hold on. This isn't his area. It's not his area. You didn't designate him for this area. You have someone who you're going to	3 4 5 6	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would depend upon the situation. I don't think what you're
3 4 5	Hold on. This isn't his area. It's not his area. You didn't designate him for this area. You have someone who you're going to depose on the issue of	3 4 5 6 7	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would depend upon the situation. I don't think what you're inferring, I don't think, is
3 4 5 6	Hold on. This isn't his area. It's not his area. You didn't designate him for this area. You have someone who you're going to depose on the issue of compensation.	3 4 5 6	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would depend upon the situation. I don't think what you're inferring, I don't think, is correct.
3 4 5 6 7	Hold on. This isn't his area. It's not his area. You didn't designate him for this area. You have someone who you're going to depose on the issue of	3 4 5 6 7 8	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would depend upon the situation. I don't think what you're inferring, I don't think, is correct. BY MR. PIFKO:
3 4 5 6 7 8	Hold on. This isn't his area. It's not his area. You didn't designate him for this area. You have someone who you're going to depose on the issue of compensation. MR. PIFKO: It has to do with suspicious order monitoring	3 4 5 6 7 8	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would depend upon the situation. I don't think what you're inferring, I don't think, is correct. BY MR. PIFKO: Q. What am I inferring?
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3 4 5 6 7 8 9 10 11 12	Hold on. This isn't his area. It's not his area. You didn't designate him for this area. You have someone who you're going to depose on the issue of compensation. MR. PIFKO: It has to do with suspicious order monitoring processes and protocols. THE WITNESS: Can you	3 4 5 6 7 8 9 10 11	you're giving me a set of potential facts and asking me to arrive at a conclusion. It would depend upon the situation. I don't think what you're inferring, I don't think, is correct. BY MR. PIFKO: Q. What am I inferring? MR. NICHOLAS: Hold it. Hold it. Object to the form of
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the question?	¹ BY MR. PIFKO:
² BY MR. PIFKO:	Q. That's what the document
³ Q. I asked you, do you think	³ says, okay?
⁴ there's a potential conflict in having	Do you dispute that it came
⁵ someone who is bonus driven be	⁵ from your computer?
⁶ responsible for identifying diversion?	6 MR. NICHOLAS: Object to the
A. My answer is no.	⁷ form.
8	8 THE WITNESS: I don't know
9 (Whereupon, Amerisource	if it came I mean, you're
Bergen-Zimmerman Exhibit-13,	telling me it came from my
ABDCMDL 00278212, was marked for	computer. I don't recall ever
identification.)	seeing this document.
13	¹³ BY MR. PIFKO:
¹⁴ BY MR. PIFKO:	Q. Do you know what this
Q. I'm handing you what is	15 document is about?
¹⁶ marked as Exhibit-13. For the record,	¹⁶ A. I've never seen this
¹⁷ it's a single-page document, Bates	¹⁷ document.
¹⁸ labeled ABDCMDL 00278212. And the	Q. Your testimony is you've
¹⁹ metadata reflects that it's from your	¹⁹ never seen this document?
²⁰ files, Mr. Zimmerman.	A. I don't recall ever seeing
Let me know when you're done	²¹ this document.
²² reviewing it.	Q. Do you recall ever
²³ A. Okay.	²³ discussing this with anyone?
Q. Do you recall this document?	MR. NICHOLAS: Object to the
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¹ A. I do not.	¹ form.
 A. I do not. Q. Do you recall writing this 	 form. THE WITNESS: This document?
A. I do not. Q. Do you recall writing this document?	 form. THE WITNESS: This document? BY MR. PIFKO:
 A. I do not. Q. Do you recall writing this document? A. No. 	 form. THE WITNESS: This document? BY MR. PIFKO: Q. The subject matter of this
 A. I do not. Q. Do you recall writing this document? A. No. Q. Do you have any reason to 	 form. THE WITNESS: This document? BY MR. PIFKO: Q. The subject matter of this document.
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A. I do not. Q. Do you recall writing this document? A. No. Q. Do you have any reason to dispute that this is a true and correct document that came from your files? MR. NICHOLAS: Object to the mr. THE WITNESS: I don't know where it came from.	1 form. 2 THE WITNESS: This document? 3 BY MR. PIFKO: 4 Q. The subject matter of this 5 document. 6 A. As we previously discussed, 7 we talked about low-volume accounts, so 8 I've had discussions regarding that. 9 Q. Do you see here it says 10 it's talking about so it's talking 11 about those types of customers,
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A. I do not. Q. Do you recall writing this document? A. No. Q. Do you have any reason to dispute that this is a true and correct document that came from your files? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know where it came from. BY MR. PIFKO: Q. Well, you understand that in litigation, documents come with	1 form. 2 THE WITNESS: This document? 3 BY MR. PIFKO: 4 Q. The subject matter of this 5 document. 6 A. As we previously discussed, 7 we talked about low-volume accounts, so 8 I've had discussions regarding that. 9 Q. Do you see here it says 10 it's talking about so it's talking 11 about those types of customers, 12 low-volume, high-controlled substances 13 customers. 14 It says, I'm rather
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	Christopher Zimmerman	-	·
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1 (closure or exposure to regulatory and	1	A. Yes.
2 (enforcement agencies.	2	Q is, you don't have a
3	Do you see that?	3	position on whether it's appropriate to
4	A. I do.	4	give guidance to a customer on how to
5	Q. Do you recall being	5	escape your suspicious order monitoring
6 (concerned about certain customers because	6	program?
7	of their percentage of controlled	7	MR. NICHOLAS: Well, that is
	substances with respect to their overall	8	not what he said. I object to the
	volume?	9	characterization of his testimony.
10	MR. NICHOLAS: Object to the	10	I object to the reference to the
11	form.	11	jury, which is bullying and
12	THE WITNESS: As I	12	harassing.
13	indicated, that was one of the	13	And why don't you just ask
14	areas we were looking at, our	14	him a factual question?
15	low-volume, higher-percentage	15	Go ahead.
16	secondary accounts and whether	16	THE WITNESS: We don't give
17	we you know, how we handled	17	guidance to our customers on how
18	those accounts.	18	to circumvent our system.
19	BY MR. PIFKO:	19	BY MR. PIFKO:
20	Q. Did you ever undertake	20	Q. Do you believe that it's
21 (efforts to report accounts for such	21	
	activity?	22	MR. NICHOLAS: Object to the
23	MR. NICHOLAS: Object to the	23	form.
24	form.	24	THE WITNESS: Again, to do
	D 267		
	Page 367	,	Page 369
1	THE WITNESS: Report in what	1	what?
2	THE WITNESS: Report in what way?	2	what? BY MR. PIFKO:
3]	THE WITNESS: Report in what way? BY MR. PIFKO:	2 3	what? BY MR. PIFKO: Q. To tell a customer how not
2	THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious.	2 3 4	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's
2 3] 4 5	THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious. A. If they placed an order that	2 3 4 5	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's system for engaging in suspicious
2 3] 4 5 6]	THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious. A. If they placed an order that met our suspicious order criteria, we	2 3 4 5 6	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's system for engaging in suspicious activity.
2 3] 4 5 6] 7 ,	THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious. A. If they placed an order that met our suspicious order criteria, we would have.	2 3 4 5 6 7	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's system for engaging in suspicious activity. MR. NICHOLAS: Object to the
2 3] 4 5 6] 7 ,	THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious. A. If they placed an order that met our suspicious order criteria, we would have. Q. Do you think it's	2 3 4 5 6 7 8	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's system for engaging in suspicious activity. MR. NICHOLAS: Object to the form.
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2 3] 4 5 6] 7 8 8 9 3	THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious. A. If they placed an order that met our suspicious order criteria, we would have. Q. Do you think it's appropriate to provide guidance to a customer on how to circumvent your	2 3 4 5 6 7 8	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's system for engaging in suspicious activity. MR. NICHOLAS: Object to the form. THE WITNESS: Again MR. NICHOLAS: What DEA
2 3] 4 5 6] 7 , 8 9 ; 10 (THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious. A. If they placed an order that met our suspicious order criteria, we would have. Q. Do you think it's appropriate to provide guidance to a customer on how to circumvent your suspicious order monitoring program?	2 3 4 5 6 7 8 9 10	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's system for engaging in suspicious activity. MR. NICHOLAS: Object to the form. THE WITNESS: Again MR. NICHOLAS: What DEA system are you talking about?
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2 3] 4 5 6] 7 , 8 9 ; 10 ; 11 ; 12] 13] 14] 15] 16] 17] 18] 19] 20] 21] 22]	THE WITNESS: Report in what way? BY MR. PIFKO: Q. As being suspicious. A. If they placed an order that met our suspicious order criteria, we would have. Q. Do you think it's appropriate to provide guidance to a customer on how to circumvent your suspicious order monitoring program? MR. NICHOLAS: Object to the form. THE WITNESS: I don't think I'm not sure what your question again, you're asking me another hypothetical question and asking me to give you a response that again, I can't I'm not going to answer a hypothetical. BY MR. PIFKO:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	what? BY MR. PIFKO: Q. To tell a customer how not to be caught by your system or the DEA's system for engaging in suspicious activity. MR. NICHOLAS: Object to the form. THE WITNESS: Again MR. NICHOLAS: What DEA system are you talking about? THE WITNESS: Again, we have a program that we implement and we have our processes in place. And we don't and part of that process is not to tell customers how to get around the system, or however you worded it. But that's not how our program works. BY MR. PIFKO: Q. So here, after saying to

	Christopher Zimmerman		(Timer ibour ceber gen)
	Page 370		Page 37
1	of C-II orders is high and may be deemed	1	throughout the day.
2	suspicious by either our OMP system or	2	MR. NICHOLAS: I'm speaking
3	regulatory authorities, this document	3	to you. And I'm speaking for the
4	then goes on to say, The way I see it is	4	record.
5	that you have a couple of options.	5	THE WITNESS: I don't know
6	First, you can make ABDC your primary	6	who this document was
	wholesaler and shift all purchases to us.	7	BY MR. PIFKO:
	The second option is we arrange a	8	Q. That's not my question. I
9	short-term transition process and you	9	didn't ask you who wrote the document, I
10	stop buying controlled Schedule II	10	didn't ask you any of that.
11	controlled substances from ABDC and shift	11	I asked you if this kind of
	them to whomever you're buying other	12	<u> </u>
	products. The third option would be to	13	to a customer?
	do nothing, but this is not a feasible	14	MR. NICHOLAS: Objection to
	long-term decision.	15	the form of the question.
16	Do you see that?	16	THE WITNESS: I don't know
17	A. I see that.	17	if I don't know if it's a
18	Q. Do you think that's	18	communication to a customer.
19	appropriate guidance to give to a	19	You're asking me a question with a
20	customer?	20	conclusion that this is a
21	MR. NICHOLAS: Hold on.	21	communication to a customer. And
22	Objection. You are	22	
23	· ·	23	you want me to answer the
24	mischaracterizing the witness's	24	question. I don't know it's a
2.	testimony. The witness has said		communication.
	Page 371		Page 37
1	he never he didn't write the	1	BY MR. PIFKO:
2	document. He's never seen the	2	Q. If this is communicated to a
3	document.		customer, is this an appropriate message
4	So I object to the line of		to be communicated to a customer? It's a
5	questions. This is not $30(b)(6)$	5	simple question.
6	material. I don't know why	6	MR. NICHOLAS: Object to the
7	it's not within	7	form of the question. Whether
8	MR. PIFKO: You're over the	8	it's a simple question or not,
9	top with your objections.	9	it's not a fair question.
10	MR. NICHOLAS: It's not	10	BY MR. PIFKO:
11	within	11	Q. AmerisourceBergen's position
12	MR. PIFKO: Okay. Scope.	12	is you don't know if this is an
13	MR. NICHOLAS: his	13	appropriate type of conduct; is that what
		1	
	personal knowledge.	14	I'm hearing from you?
14	personal knowledge. MR. PIFKO: Scope. Scope,	14 15	I'm hearing from you'? MR. NICHOLAS: That's not
14 15	MR. PIFKO: Scope. Scope,	1	•
14 15 16	MR. PIFKO: Scope. Scope, and all the objections you want to	15	MR. NICHOLAS: That's not
14 15 16 17	MR. PIFKO: Scope. Scope, and all the objections you want to make. You need to stop speaking	15 16	MR. NICHOLAS: That's not what he said. THE WITNESS: I don't know
14 15 16 17	MR. PIFKO: Scope. Scope, and all the objections you want to make. You need to stop speaking to the witness, okay?	15 16 17	MR. NICHOLAS: That's not what he said. THE WITNESS: I don't know what who wrote it, who the
14 15 16 17 18	MR. PIFKO: Scope. Scope, and all the objections you want to make. You need to stop speaking to the witness, okay? MR. NICHOLAS: I'm not	15 16 17 18	MR. NICHOLAS: That's not what he said. THE WITNESS: I don't know what who wrote it, who the audience is, and what the
14 15 16 17 18 19 20	MR. PIFKO: Scope. Scope, and all the objections you want to make. You need to stop speaking to the witness, okay? MR. NICHOLAS: I'm not speaking to the witness. I'm	15 16 17 18 19	MR. NICHOLAS: That's not what he said. THE WITNESS: I don't know what who wrote it, who the audience is, and what the conversation is. It says, Talking
14 15 16 17 18 19 20 21	MR. PIFKO: Scope. Scope, and all the objections you want to make. You need to stop speaking to the witness, okay? MR. NICHOLAS: I'm not speaking to the witness. I'm speaking to you.	15 16 17 18 19 20	MR. NICHOLAS: That's not what he said. THE WITNESS: I don't know what who wrote it, who the audience is, and what the conversation is. It says, Talking points.
14 15 16 17 18 19 20 21 22 23	MR. PIFKO: Scope. Scope, and all the objections you want to make. You need to stop speaking to the witness, okay? MR. NICHOLAS: I'm not speaking to the witness. I'm	15 16 17 18 19 20 21	MR. NICHOLAS: That's not what he said. THE WITNESS: I don't know what who wrote it, who the audience is, and what the conversation is. It says, Talking

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1	that's the option. Is that an	1	It's asked and answered.
2	appropriate discussion? I think	2	THE WITNESS: It's the same
3	SO.	3	answer.
4	BY MR. PIFKO:	4	BY MR. PIFKO:
5	Q. How about telling someone	5	Q. I don't believe I've gotten
6	that they can stop buying controlled	6	an answer, so I'm going to ask you again.
7	substances from you and shift them to	7	A. Is it appropriate to tell a
8	somebody else?	8	secondary customer that either they bring
9	MR. NICHOLAS: Object to the	9	us their full book of business or we're
10	form of the question. You're just	10	going to stop selling you controlled
11	arguing.	11	substances? Is that your question?
12	THE WITNESS: I think I	12	Q. I'm asking this message in
13	answered your question.	13	here.
14		14	I'm asking if this message
15	Q. You talked about the first	15	is an appropriate message to communicate
16		16	to customers?
17	= =	17	MR. NICHOLAS: Object to the
18	MR. NICHOLAS: Object to the	18	form. Because that's how he's
19	form. Object to the debating.	19	reading the message in here. So
20	THE WITNESS: I answered one	20	he's answering
21	and two. One is bring us all your	21	MR. PIFKO: Again, you're
22	business or, two, stop buying	22	coaching him.
23	C-IIs from us.	23	MR. NICHOLAS: No, I'm not.
24	BY MR. PIFKO:	24	You're not listening to his
,	Page 375	1	Page 377
1	Q. And buy them from someone	1 2	answers.
2	else? Do you think it's an		MR. PIFKO: You're coaching
3	appropriate	3	him. And, honestly, if you keep
4	A. Buy it from their primary	4	this up, I'm going to seek to have
	vendor.	5	you removed from defending any
6	Q. So you think this is an	6	depositions in this case, okay?
7	appropriate message to send to people?	7	MR. NICHOLAS: That's fine.
8	MR. NICHOLAS: Object to the	8	MR. PIFKO: It's fine to
9	form of the question. It's not	9	object vigorously and be
10	his message.	10	passionate about your position.
11	THE WITNESS: Is your	11	But you're going way above and
12	question is it appropriate for	12	beyond, and you've been doing it
13	customers to buy from a	13	all day long.
14	wholesaler?	14	And we are going to read the
15	BY MR. PIFKO:	15	transcript and it's going to show
16	Q. My question is, is this an	16	all the discussion you're having,
17	appropriate message to communicate to	17	asking facts, telling me what to
18	customers?	18	ask. That is not okay.
19	MR. NICHOLAS: Object to the	19	MR. NICHOLAS:
20	question. We're obviously	20	Unfortunately
21	disagreeing as to what is the	21	MR. PIFKO: You look like
22	"this." So it's an unfair	22	you've been practicing long enough
23	question.	23	to know that.
24	But he's answered it anyway.	24	MR. NICHOLAS: If you're

	Christopher Zimmerman		,
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1	telling me if you're telling	1	don't know what their inference
2	me	2	was in writing this.
3	MR. PIFKO: I understand	3	BY MR. PIFKO:
4	it's a big case and you're	4	Q. So you can't provide an
5	stressed out.	5	opinion about whether this is an
6	MR. NICHOLAS: If you're	6	appropriate message to send to somebody?
7	telling me I look old, I'm	7	MR. NICHOLAS: Object to the
8	insulted.	8	form.
9	MR. PIFKO: But you have to	9	THE WITNESS: And, again,
10	conduct yourself accordingly.	10	it's a talking point, and it's not
11	MR. NICHOLAS: I think	11	being sent to anyone. I don't
12	you're making a comment on my	12	know you're asking me to give
13	personal look. You think I look	13	you an answer to something I don't
14	old?	14	know about.
15	MR. PIFKO: I don't think	15	
16		16	BY MR. PIFKO:
17	you look old. I think you're an		Q. All right. That's your
	established practitioner and I	17	position. That's fine.
18	think you know better and you know	18	
19	that you know better. And you're	19	(Whereupon, Amerisource
20	playing games here, and it needs	20	Bergen-Zimmerman Exhibit-14,
21	to stop.	21	ABDCMDL 00000124-147, was marked
22	MR. NICHOLAS: Are you going	22	for identification.)
23	to let me say something?	23	
24	MR. PIFKO: No, I'm not here	24	BY MR. PIFKO:
	Page 379		Page 38
1	to ask you questions.	1	Q. I'm handing you what is
2	MR. NICHOLAS: Whether you	2	marked as Exhibit-14.
3	do or not, I'm	3	A. Thank you.
4	MR. PIFKO: No, you're not	4	Q. Bates labeled ABDCMDL
5	entitled you're not the	5	00000124 through 147.
6	witness. You're not entitled to	6	According to the metadata on
7	talk. You're just continuing the	7	
8	problem right now.	8	December 31st, 2007.
9	BY MR. PIFKO:	9	A. Okay.
10	Q. So I'm asking you, sir, you	10	Q. Have you seen this document
	read this document, you did, do you think		before?
	this is a message that is appropriate to	12	
			A. It looks like a
12		12	presentation
13	communicate to consumers customers?		presentation.
13 14	communicate to consumers customers? MR. NICHOLAS: Object to the	14	Q. Do you know what it's a
13 14 15	communicate to consumers customers? MR. NICHOLAS: Object to the form.	14 15	Q. Do you know what it's a presentation for?
13 14 15 16	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know	14 15 16	Q. Do you know what it's a presentation for? A. It says the sales associate
13 14 15 16 17	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know what the message was. I don't	14 15 16 17	Q. Do you know what it's a presentation for? A. It says the sales associate role.
13 14 15 16 17	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know what the message was. I don't know who wrote the message. I	14 15 16 17 18	Q. Do you know what it's a presentation for? A. It says the sales associate role. Q. And the sales associate role
13 14 15 16 17 18	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know what the message was. I don't know who wrote the message. I don't know who the audience of the	14 15 16 17 18 19	Q. Do you know what it's a presentation for? A. It says the sales associate role. Q. And the sales associate role in what?
13 14 15 16 17 18 19 20	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know what the message was. I don't know who wrote the message. I don't know who the audience of the message was. I don't know.	14 15 16 17 18 19 20	Q. Do you know what it's a presentation for? A. It says the sales associate role. Q. And the sales associate role in what? A. In diversion control. I
13 14 15 16 17 18 19 20	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know what the message was. I don't know who wrote the message. I don't know who the audience of the message was. I don't know. You're asking me to commit	14 15 16 17 18 19 20 21	Q. Do you know what it's a presentation for? A. It says the sales associate role. Q. And the sales associate role in what? A. In diversion control. I mean, that's the title of the
13 14 15 16 17 18 19 20	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know what the message was. I don't know who wrote the message. I don't know who the audience of the message was. I don't know. You're asking me to commit to something I don't know who	14 15 16 17 18 19 20 21	Q. Do you know what it's a presentation for? A. It says the sales associate role. Q. And the sales associate role in what? A. In diversion control. I
13 14 15 16 17 18 19 20 21	communicate to consumers customers? MR. NICHOLAS: Object to the form. THE WITNESS: I don't know what the message was. I don't know who wrote the message. I don't know who the audience of the message was. I don't know. You're asking me to commit	14 15 16 17 18 19 20 21	Q. Do you know what it's a presentation for? A. It says the sales associate role. Q. And the sales associate role in what? A. In diversion control. I mean, that's the title of the

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	Page 382		Page 384
	deposition?	1	A. That's correct. A lot of
2	A. I believe I've seen a copy		the information is the same that we've
3	of this, yes.	3	reviewed.
4	Q. In your undertaking to	4	Q. Let's look at Page ABDCMDL
5	familiarize yourself with the company's	5	00000130.
6	diversion control practices and policies,	6	Are you there?
7	did you obtain an understanding of what	7	A. Yes.
8	the purpose of this presentation was for?	8	Q. Do you know what this slide
9	A. It was for the sales I	9	is about?
10	believe it was for the sales group.	10	A. It looks like it has the
11	Q. Do you know when it was	11	title is the slide is titled,
12	given to them?	12	Suspicious Order Investigation.
13	A. I don't.	13	Q. Aside from reading the
14	Q. Do you know who would have	14	document, do you know what this is about?
15	given this presentation to them?	15	MR. NICHOLAS: Object to the
16	A. I believe it was Ed	16	form.
17	Hazewski.	17	THE WITNESS: It's about
18	Q. He was someone who was under	18	suspicious order investigation.
19	your chain of authority?	19	I'm not sure what your question
20	A. Yes.	20	is.
21	Q. At that time, was he a	21	BY MR. PIFKO:
22	direct report to you?	22	Q. I'm asking if are these
23	A. I don't believe so.	23	parameters consistent with a specific
24	Q. There was one person in	24	type of investigation that you're
	Page 383		Page 385
	- une 505		1 age 303
1	_	1	
1 2	between you and him?	1 2	familiar with?
	between you and him? A. Yes, I believe so.	1 2 3	familiar with? A. These are some of the
2	between you and him? A. Yes, I believe so. Q. Are the statements in here	3	familiar with? A. These are some of the components that the diversion group will
3 4	between you and him? A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of	2 3 4	familiar with? A. These are some of the components that the diversion group will review, yes.
3 4	between you and him? A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of what AmerisourceBergen's program was and	2 3 4 5	familiar with? A. These are some of the components that the diversion group will review, yes. Q. Where would they get this
2 3 4 5	between you and him? A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of	2 3 4 5	familiar with? A. These are some of the components that the diversion group will review, yes. Q. Where would they get this information from?
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2 3 4 5 6 7	between you and him? A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of what AmerisourceBergen's program was and the training that was provided to sales associates MR. NICHOLAS: Object to the	2 3 4 5 6 7	familiar with? A. These are some of the components that the diversion group will review, yes. Q. Where would they get this information from? MR. NICHOLAS: Object to the form.
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2 3 4 5 6 7 8 9 10 11	between you and him? A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of what AmerisourceBergen's program was and the training that was provided to sales associates MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q with respect to diversion	2 3 4 5 6 7 8 9 10 11 12	familiar with? A. These are some of the components that the diversion group will review, yes. Q. Where would they get this information from? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not BY MR. PIFKO: Q. Would this be on the Form
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	between you and him? A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of what AmerisourceBergen's program was and the training that was provided to sales associates MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q with respect to diversion control? MR. NICHOLAS: Object to the form. Go on. THE WITNESS: I mean, this is you want me to generally comment on the entire the presentation itself? BY MR. PIFKO:	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	familiar with? A. These are some of the components that the diversion group will review, yes. Q. Where would they get this information from? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not BY MR. PIFKO: Q. Would this be on the Form 590? MR. NICHOLAS: Object to the form. Go ahead. THE WITNESS: The Form 590 they may reference the Form 590, they may have a monthly report that has the controlled substance ratio. They look at
2 3 4 4 5 6 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	between you and him? A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of what AmerisourceBergen's program was and the training that was provided to sales associates MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q with respect to diversion control? MR. NICHOLAS: Object to the form. Go on. THE WITNESS: I mean, this is you want me to generally comment on the entire the presentation itself? BY MR. PIFKO: Q. Well, you reviewed the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	familiar with? A. These are some of the components that the diversion group will review, yes. Q. Where would they get this information from? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not BY MR. PIFKO: Q. Would this be on the Form 590? MR. NICHOLAS: Object to the form. Go ahead. THE WITNESS: The Form 590 they may reference the Form 590, they may have a monthly report that has the controlled substance ratio. They look at purchase history.
2 3 3 4 4 5 6 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of what AmerisourceBergen's program was and the training that was provided to sales associates MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q with respect to diversion control? MR. NICHOLAS: Object to the form. Go on. THE WITNESS: I mean, this is you want me to generally comment on the entire the presentation itself? BY MR. PIFKO: Q. Well, you reviewed the document.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A. These are some of the components that the diversion group will review, yes. Q. Where would they get this information from? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not BY MR. PIFKO: Q. Would this be on the Form 590? MR. NICHOLAS: Object to the form. Go ahead. THE WITNESS: The Form 590 they may reference the Form 590, they may have a monthly report that has the controlled substance ratio. They look at purchase history. I mean, as it's here, it's
2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A. Yes, I believe so. Q. Are the statements in here consistent with your understanding of what AmerisourceBergen's program was and the training that was provided to sales associates MR. NICHOLAS: Object to the form. BY MR. PIFKO: Q with respect to diversion control? MR. NICHOLAS: Object to the form. Go on. THE WITNESS: I mean, this is you want me to generally comment on the entire the presentation itself? BY MR. PIFKO: Q. Well, you reviewed the document. A lot of these slides we've	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	familiar with? A. These are some of the components that the diversion group will review, yes. Q. Where would they get this information from? MR. NICHOLAS: Object to the form. THE WITNESS: I'm not BY MR. PIFKO: Q. Would this be on the Form 590? MR. NICHOLAS: Object to the form. Go ahead. THE WITNESS: The Form 590 they may reference the Form 590, they may have a monthly report that has the controlled substance ratio. They look at purchase history.

	Christopher Zimmerma:		,
	Page 386		Page 388
1	BY MR. PIFKO:	1	line out in front of the pharmacy. But
2	Q. Are sales associates	2	that's something that the sales
3	instructed to gather this information and	3	associates, if they see that, they need
4	provide it to the CSRA?	4	to inquire about that.
5	A. No.	5	Q. I'm not the one who wrote
6	Q. Let's go to the part where	6	red flag here.
7	it's got these pictures, starting on 141.	7	It says red flag, so I'm
8	A. Yes.	8	just trying to understand why
9	Q. It says, Red flag.	9	A. You were asking me why
10	Do you see that?	10	Q why someone would
11	A. Yes.	11	consider that to be a red flag?
12	Q. Do you have an understanding	12	MR. NICHOLAS: Object to the
13	about why that's a red flag?	13	form.
14	•	14	BY MR. PIFKO:
15		15	Q. So am I understanding, your
16	Q. Why is that a red flag?	16	
17	A. A red flag is and, again,	17	pharmacy would be unusual and that's why
18	you have to take it in context. Is this,	18	it's a red flag?
19		19	MR. NICHOLAS: Object to the
20	•	20	form.
21	unj. 15 it the beginning of 15 it	21	THE WITNESS: As I stated,
	flag.	22	it could be. Again, we're trying
23	And so a lot of these are	23	to provide examples of things
	examples that could be; not necessarily	24	that to look for. And a line,
	examples that could be, not necessarily		that to look for. And a fine,
	Page 387		Page 389
	are, but could be.	1	they should probably find out, are
1 2	are, but could be. Q. Why could this be a red	2	they should probably find out, are they giving away free hot dogs or
	are, but could be. Q. Why could this be a red		they should probably find out, are
3 4	are, but could be. Q. Why could this be a red flag? A. Because you have people	2	they should probably find out, are they giving away free hot dogs or why is there a line out the door? It's just something that
3 4	are, but could be. Q. Why could this be a red flag?	2 3	they should probably find out, are they giving away free hot dogs or why is there a line out the door?
3 4	are, but could be. Q. Why could this be a red flag? A. Because you have people	3 4	they should probably find out, are they giving away free hot dogs or why is there a line out the door? It's just something that
2 3 4 5	are, but could be. Q. Why could this be a red flag? A. Because you have people waiting in line for prescriptions. Q. And why is that a	2 3 4 5	they should probably find out, are they giving away free hot dogs or why is there a line out the door? It's just something that they should inquire about or report back to us about.
2 3 4 5 6	are, but could be. Q. Why could this be a red flag? A. Because you have people waiting in line for prescriptions. Q. And why is that a	2 3 4 5 6	they should probably find out, are they giving away free hot dogs or why is there a line out the door? It's just something that they should inquire about or report back to us about.
2 3 4 5 6 7	are, but could be. Q. Why could this be a red flag? A. Because you have people waiting in line for prescriptions. Q. And why is that a potentially bad thing?	2 3 4 5 6 7	they should probably find out, are they giving away free hot dogs or why is there a line out the door? It's just something that they should inquire about or report back to us about. BY MR. PIFKO:
2 3 4 5 6 7 8	are, but could be. Q. Why could this be a red flag? A. Because you have people waiting in line for prescriptions. Q. And why is that a potentially bad thing? A. It's not	2 3 4 5 6 7 8	they should probably find out, are they giving away free hot dogs or why is there a line out the door? It's just something that they should inquire about or report back to us about. BY MR. PIFKO: Q. Is there an illicit reason
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Page 390 Page 392 ¹ a pharmacy be an indicator of illegal A. I think that's what it says. ² conduct? ² It's kind of a bad picture, but yeah. A. Again, you're asking me Q. I think it's actually better ⁴ could it? And, again, it's a ⁴ smaller. ⁵ hypothetical. It's one point in the Again, I'm not the one that ⁶ investigation, or one point of ⁶ created this document, sir, your company ⁷ information that we would want, as the ⁷ created it. I'm just asking why the company felt that this was indicia of a ⁸ department, to then do additional ⁹ investigations. red flag? 10 10 They may not even sell A. Again, this is another -- an 11 controlled substances, then it would not ¹¹ example, if they have cash only, we only ¹² be -- you know, it may not be illicit dispense products for cash, that would be ¹³ behavior. I don't know the full 13 something that we would want to look into ¹⁴ circumstances. ¹⁴ and find out more information on the But it's just an example of pharmacy. 16 Q. And why would you want to one thing, a data point, that if they see ¹⁷ they should report back so we can look 17 look into that? ¹⁸ into it. A. Because it's one point of --19 19 it's one more point that could include a Q. Okay. And you're head of 20 the department that would look into it, pharmacy that we may not want to do ²¹ right? And you were during the period ²¹ business with. ²² from 2006 to 2014, correct? These could be either for 23 Α. Yes. ²³ existing customers or potential new 24 ²⁴ customers. We would not open up -- no What would -- someone Page 391 Page 393 ¹ point in even doing the investigation. ¹ reports, one of my accounts has a big ² line out the door. ² We would not open up a customer that does What would you do with that ³ all cash. 4 information? Q. What's the problem with a ⁵ customer that does all cash? Why is MR. NICHOLAS: Object to the 6 that -form. 7 THE WITNESS: Again, it's a A. It's just -hypothetical. But we would find 8 Q. -- a potential thing that 9 out what was occurring at the you would be concerned about? 10 pharmacy, look at past purchasing 10 A. It's just -- it's just not a 11 history. We would do an 11 customer that we want to do business 12 investigation. 12 with. 13 BY MR. PIFKO: 13 Q. And why is that? Q. What would past purchasing A. Because it doesn't -- we decided we're not going to do business ¹⁵ history tell you? ¹⁶ with certain types of customers. It 16 A. The volume, percentage, doesn't mean that there's a diversion types of products. Again, a full scope going on, it's just a customer that --¹⁸ of an investigation. Q. Let's look at the next ¹⁹ again, we deal -- health products that 19 ²⁰ usually they service government, they picture. 21 service private payer, public payer, It says, Red flag. And it's ²² got a picture in the window that says, No ²² insurance, some cash business. And then ²³ insurance for any Roxicodone. ²³ we want to see a full complement. 24 24 Do you see that? It's just one more thing

Page 394 that we put in our 590, to give us a good picture of a customer before we start to do business with them. Q. Again, I'm not I didn't come up with this example, you did. And my question is, I just I'm hearing that you're saying, well, someone who does all cash is someone that we don't want to do business with. But I'm not getting a clear answer as to why that is not someone you want to do business with? MR. NICHOLAS: I'll object to the form of the question and the characterization of the the characterization of the the characterization of the the characterization of the but form of the question. But go ahead. THE WITNESS: Because we just don't want to do business with them. But go ahead. THE WITNESS: Because we list hat says no insurance for specifically for Roxicodone, a C-II substance? MR. NICHOLAS: Same objection. MR. NICHOLAS: Same objection. MR. NICHOLAS: Same objection. MR. NICHOLAS: Same objection. THE WITNESS: Isn't that what isn't that what it says? BY MR. PIFKO: Page 395 MR. PIFKO: Page 395 MR. NICHOLAS: Same objection. THE WITNESS: Isn't that what isn't that what it says? BY MR. PIFKO: Page 395 MR. NICHOLAS: Same objection. THE WITNESS: Isn't that what isn't that what it says? BY MR. PIFKO: Q. It says Roxicodone, a C-II substance? MR. NICHOLAS: Same objection. THE WITNESS: Isn't that what isn't that what it says? BY MR. PIFKO: Q. It says Roxicodone, a C-II substance? MR. NICHOLAS: Same objection. THE WITNESS: Isn't that what isn't that what it says? BY MR. PIFKO: Q. It says Roxicodone, A. Twe seen these presentations. I'm not sure where they A. Twe seen these presentations. I'm not sure where they A. Twe seen these A. Twe seen these WR. PIFKO: A. Twe seen these WR. PIFKO: A. Twe seen these MR. NICHOLAS: For the purposes of right now answering MR. NICHOLAS: But you're trying to create a very misleading the record. MR. PIFKO: MR. PIFKO: A. The seen these WR. PIFKO: A, I'm assumption on my part. MR. PIFKO: A, I'm assumption on my part	Christopher Zimmerma	all (Amerisourcebergen)
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4	MR. PIFKO: You're literally	4	BY MR. PIFKO:
5	putting words into his mouth.	5	Q. Is there a normal ratio of
6	You're asking him to say, yes, I'm	6	cash to insurance that you're aware of
7	admitting that for purposes of	7	for pharmacies?
8	here.	8	MR. NICHOLAS: Object to the
9	MR. NICHOLAS: You're	9	form.
10	just	10	THE WITNESS: No, not that
11	MR. PIFKO: I'm being nice	11	I'm aware of.
12	to you, but you're really over the	12	BY MR. PIFKO:
13	top here.	13	Q. At any point in your history
14	MR. NICHOLAS: If this is	14	working with the company, are you aware
15	nice, I'd hate to see you when you	15	of some sort of ratio that's typical as
16	weren't nice.	16	far as cash to insurance for a pharmacy?
17	BY MR. PIFKO:	17	MR. NICHOLAS: Object to the
18	Q. Can you answer the question,	18	form. I assume these are
19	please?	19	you're asking him as an individual
20	A. Please, what was the	20	now?
21	question again?	21	MR. PIFKO: Yes, that
22	Q. How do you know that the	22	question was.
23	picture in Number the second one that	23	MR. NICHOLAS: Okay.
24	we're looking for in 142 is a licensed	24	THE WITNESS: Not that I'm
	Page 399		Page 401
1	pharmacy?	1	aware of.
2	A. I don't know for sure.	2	
3	Q. You've been telling me,	3	Q. Let's look at the next
4	hypothetical, I don't know this, I don't	4	picture here.
- 1	know that. But you're willing to just	5	Have you seen this picture
6	jump in and say you think it's a licensed	6	before?
7	pharmacy. That seems unusual to me.	7	A. I have.
8	MR. NICHOLAS: Objection.	8	Q. You have?
9	Object to the form.	9	A. In other presentations, yes.
10	THE WITNESS: The	10	Q. Where do you believe you
11	presentation is to the sales	11	
12	associates that deal with our	12	presentation or
13	customers, which are licensed	13	A. I don't know. I don't
14	pharmacies.	14	recall.
15	So my again, maybe it was	15	Q. Why is this a red flag?
16	an assumption I shouldn't have	16	A. I would think because of the
17	made. But we give them	17	
18	indicators, these slides of	18	Q. It says, Pain Relief Center.
19	examples of things, of red flags	19	What kind of free samples
20	that they need to bring to our	20	would be
21	attention so we can do additional	21	A. I don't
22	due diligence and investigation,	22	Q. Don't know?
23	if need be, if they're an existing	23	A. Right.
1	•	24	
24	customer; or things that they need	2 1	Q. Why is that a concern?

	Page 402		Page 404
1	A. To find out what the free	1	nursing homes and has no foot traffic in.
2	samples are that they're giving out in a	1	It could be a legitimate reason.
3	pain relief center.	3	But it's something that they
4	Q. Because they could be	4	should acknowledge and report so that we
5	controlled substances and you shouldn't	5	can confirm what type of business is
6	be giving those out for free, right?	6	occurring, who the customer base is. And
7	A. It could be controlled.	7	that's the purpose of that slide there.
8	That's the question, is what free samples	8	Q. Let's look at the next one.
9	are they giving out?	9	Have you seen this before?
10	Q. Let's look at the next	10	A. I don't recall seeing this
	picture.		one before.
12		12	
13	Have you seen this before?		Q. Do you understand what it's
14	A. I've seen this picture	14	communicating here?
15	before.		A. It's communicating that
16	Q. What is this a picture of?		it's communicating that people are in
	A. This is a picture of a		Florida getting their prescriptions
17 18	pharmacy.	18	filled.
	Q. How do you know it's a		Q. And they're not from
19	pharmacy?	20	Florida, right?
20	A. Because that's when we		MR. NICHOLAS: Object to the
21	had the this was again, that's why	21	form. You're asking him now in
22	it's in the deck.	22	his individual capacity, right?
23	Q. Did you create the deck?	23	Because this is not part of a
24	A. I did not create the deck.	24	30(b)(6).
	Page 403		Page 405
1	Page 403 But I've seen this picture before and	1	Page 405 MR. PIFKO: It's a training
1	_	1 2	
2	But I've seen this picture before and		MR. PIFKO: It's a training
3	But I've seen this picture before and it's been used in presentations, much	2	MR. PIFKO: It's a training document about the company's
3	But I've seen this picture before and it's been used in presentations, much like with these other pictures, regarding	2	MR. PIFKO: It's a training document about the company's diversion policies.
2 3 4 5	But I've seen this picture before and it's been used in presentations, much like with these other pictures, regarding red flags when you visit a pharmacy.	2 3 4	MR. PIFKO: It's a training document about the company's diversion policies. MR. NICHOLAS: Object to the
2 3 4 5	But I've seen this picture before and it's been used in presentations, much like with these other pictures, regarding red flags when you visit a pharmacy. Q. So you know for a fact this	2 3 4 5	MR. PIFKO: It's a training document about the company's diversion policies. MR. NICHOLAS: Object to the scope. Object to the form.
2 3 4 5 6	But I've seen this picture before and it's been used in presentations, much like with these other pictures, regarding red flags when you visit a pharmacy. Q. So you know for a fact this is a pharmacy?	2 3 4 5 6	MR. PIFKO: It's a training document about the company's diversion policies. MR. NICHOLAS: Object to the scope. Object to the form. Go ahead.
2 3 4 5 6 7	But I've seen this picture before and it's been used in presentations, much like with these other pictures, regarding red flags when you visit a pharmacy. Q. So you know for a fact this is a pharmacy? A. I don't know for a fact this	2 3 4 5 6 7	MR. PIFKO: It's a training document about the company's diversion policies. MR. NICHOLAS: Object to the scope. Object to the form. Go ahead. THE WITNESS: That's what
2 3 4 5 6 7 8	But I've seen this picture before and it's been used in presentations, much like with these other pictures, regarding red flags when you visit a pharmacy. Q. So you know for a fact this is a pharmacy? A. I don't know for a fact this is a pharmacy.	2 3 4 5 6 7 8	MR. PIFKO: It's a training document about the company's diversion policies. MR. NICHOLAS: Object to the scope. Object to the form. Go ahead. THE WITNESS: That's what the comic infers.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	But I've seen this picture before and it's been used in presentations, much like with these other pictures, regarding red flags when you visit a pharmacy. Q. So you know for a fact this is a pharmacy? A. I don't know for a fact this is a pharmacy. Q. Why is this a potential red flag? A. Because there's nothing going on here. There's nothing on the walls, it looks like it's not even an open business. Q. And why is that a concern? A. Because it doesn't look like there's any business that's occurring there. Q. So why wouldn't you want to sell controlled substances to this kind of a pharmacy?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	MR. PIFKO: It's a training document about the company's diversion policies. MR. NICHOLAS: Object to the scope. Object to the form. Go ahead. THE WITNESS: That's what the comic infers. BY MR. PIFKO: Q. That they're out-of-state people coming to Florida to buy pills, right? A. It doesn't say out of state. Q. It says, tourists. Tourists, thank God. May I suggest restaurants? Hotels? Destinations? And the guy says back, We're just here to buy some pills some pain pills. So it's suggesting that they're from out of state.
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	CIII ISCOPIIEI ZIMMEIMA		<u> </u>
	Page 406		Page 408
	says Florida, to buy pills?		BY MR. PIFKO:
2	MR. NICHOLAS: Object to the	2	Q. It's what you said it was.
3	form.	3	A. It's yes, a presentation
4	BY MR. PIFKO:	4	to the sales group. Yes.
5	Q. Is that what it's saying?	5	Q. So the company is
6	A. It's not saying they're from	6	acknowledging that there are there is
7	out of state. But that's what it's	7	an issue with people from out of state
8	inferring, that tourists are buying pills	8	buying pills somewhere, agree?
9	in Florida.	9	MR. NICHOLAS: Object to the
10	Q. That's consistent with the	10	form.
11	issue that we talked about in Exhibit-12,	11	THE WITNESS: It indicates
12	do you recall that? The HDMA meeting	12	that that is another flag that
13	with the DEA, people coming to Florida to	13	should be considered, correct.
14	buy pills and take them to other states.	14	BY MR. PIFKO:
15	Do you recall that?	15	Q. This is a comic.
16	A. Yes.	16	Does the company think that
17	Q. This is consistent with that	17	diversion is a is funny?
18	idea, right?	18	MR. NICHOLAS: Object to the
19	MR. NICHOLAS: Object to the	19	form. That's a pretty obnoxious
20	form.	20	question.
21	THE WITNESS: That's	21	THE WITNESS: Absolutely
22	that's what this is inferring,	22	not.
23	yes, this comic strip.	23	BY MR. PIFKO:
24	BY MR. PIFKO:	24	Q. Does the company take its
		1	
	Page 407		Page 100
1	Page 407	1	Page 409
1 2	Q. So as of the date of this		diversion control practices serious?
2	Q. So as of the date of this document, the company knew that that was	2	diversion control practices serious? A. Yes.
2	Q. So as of the date of this document, the company knew that that was a concern, agree?	3	diversion control practices serious? A. Yes. Q. Do you know why they would
3 4	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I	2 3 4	diversion control practices serious? A. Yes. Q. Do you know why they would use a comic in a document like this to
2 3 4 5	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I don't know who put this in here and what	2 3 4 5	diversion control practices serious? A. Yes. Q. Do you know why they would use a comic in a document like this to communicate this message?
2 3 4 5 6	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I don't know who put this in here and what the inference of the comic strip was.	2 3 4 5 6	diversion control practices serious? A. Yes. Q. Do you know why they would use a comic in a document like this to communicate this message? MR. NICHOLAS: I'll object
2 3 4 5 6 7	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I don't know who put this in here and what the inference of the comic strip was. It's not a picture of the red flags like	2 3 4 5 6 7	diversion control practices serious? A. Yes. Q. Do you know why they would use a comic in a document like this to communicate this message? MR. NICHOLAS: I'll object to the form.
2 3 4 5 6 7 8	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I don't know who put this in here and what the inference of the comic strip was. It's not a picture of the red flags like the previous ones are.	2 3 4 5 6 7 8	diversion control practices serious? A. Yes. Q. Do you know why they would use a comic in a document like this to communicate this message? MR. NICHOLAS: I'll object to the form. THE WITNESS: It's the slide
2 3 4 5 6 7 8	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I don't know who put this in here and what the inference of the comic strip was. It's not a picture of the red flags like the previous ones are. But that's the inference, is	2 3 4 5 6 7 8	diversion control practices serious? A. Yes. Q. Do you know why they would use a comic in a document like this to communicate this message? MR. NICHOLAS: I'll object to the form. THE WITNESS: It's the slide that's that's the slide that
2 3 4 5 6 7 8 9	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I don't know who put this in here and what the inference of the comic strip was. It's not a picture of the red flags like the previous ones are. But that's the inference, is that people were coming to Florida to get	2 3 4 5 6 7 8 9	diversion control practices serious? A. Yes. Q. Do you know why they would use a comic in a document like this to communicate this message? MR. NICHOLAS: I'll object to the form. THE WITNESS: It's the slide that's that's the slide that I mean, I'm not sure what your
2 3 4 5 6 7 8 9 10	Q. So as of the date of this document, the company knew that that was a concern, agree? A. It was another again, I don't know who put this in here and what the inference of the comic strip was. It's not a picture of the red flags like the previous ones are. But that's the inference, is that people were coming to Florida to get their prescriptions filled.	2 3 4 5 6 7 8 9 10	A. Yes. Q. Do you know why they would use a comic in a document like this to communicate this message? MR. NICHOLAS: I'll object to the form. THE WITNESS: It's the slide that's that's the slide that I mean, I'm not sure what your question is.
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	Page 410		Page 412
1	the area getting their		about that?
2	prescription filled.	2	A. No.
3	BY MR. PIFKO:	3	Q. The last page has some
4	Q. Did the company do anything	4	individuals.
5	to address the potential for out-of-state	5	We talked about Ed?
6	people potentially coming somewhere and	6	A. Yes.
7	buying pills from a pharmacy?	7	Q. Do you know who he is?
8	A. We have no control over	8	A. Ed Hazewski? Yes, director
9	where people go and get their	9	of diversion control.
10	prescriptions filled. We don't know	10	Q. How about the other people
	where they come from.		in here?
12	Q. It says, Coming to a state	12	A. Dave Breitmayer was in the
	near you.		diversion control group, as well as Kevin
14	Do you know if the company		Kreutzer. And I'm not sure if their
15	conducted any research about people pill	15	title is investigator or specialist, but
16	shopping in different states?	16	they're in the diversion control group,
17	MR. NICHOLAS: Object to the	17	as well as Joe Tomkiewicz.
18	form. We're here on the Track 1	18	MR. PIFKO: Let's take a
19	case, or cases. So I want to make	19	break.
20	sure that the record is clear that	20	VIDEO TECHNICIAN: Going off
21	these questions are pertaining to	21	the record. The time is 4:40 p.m.
22	the Track 1 jurisdictions.	22	
23	MR. PIFKO: I'm asking about	23	(Whereupon, a brief recess
24	the company's policies right now.	24	was taken.)
	Page 411		Page 413
	ruge III		r age 413
1	MR. NICHOLAS: As they	1	
1 2		1 2	VIDEO TECHNICIAN: We're
	MR. NICHOLAS: As they		
2	MR. NICHOLAS: As they pertain well, you're asking	2	VIDEO TECHNICIAN: We're
2 3	MR. NICHOLAS: As they pertain well, you're asking specific questions.	2	VIDEO TECHNICIAN: We're back on the record at 5:00 p.m.
2 3 4 5	MR. NICHOLAS: As they pertain well, you're asking specific questions. BY MR. PIFKO:	2 3 4 5	VIDEO TECHNICIAN: We're back on the record at 5:00 p.m. BY MR. PIFKO:
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	Page 414		Page 416
1	A. We no. We collected the	1	don't think we have an obligation,
2	information on the top prescribers. But	2	not knowing the specific
3	no, we don't have a database.	3	circumstances of whatever that
4	Q. If you had information that	4	information that they receive. So
5	there was a pill mill doctor in an area,	5	I I don't know.
6	would you tell a pharmacy about it?	6	BY MR. PIFKO:
7	MR. NICHOLAS: Object to the	7	Q. You don't know or
8	form.	8	A. Yeah, I said that can you
9	THE WITNESS: I don't know	9	ask the question one more time? Because
10	how we would know that	10	I think I answered it, but I'll answer it
11	information.	11	again.
12	BY MR. PIFKO:	12	Q. Let's ask a simpler
13	Q. If you did know it	13	question.
14	A. I don't again, I don't	14	Does AmerisourceBergen
15	see how we would have that information	15	maintain a database where it keeps
16	unless again, we vet our pharmacy	16	information about bad doctors?
17	customers. We don't just vet doctors. I	17	A. Not that I'm aware of.
18	mean, it's not that's not who	18	Q. If you received such
19	that's not our process.	19	information, what would you do with it?
20	Our process is, the	20	MR. NICHOLAS: Object to the
21	pharmacies that we distribute to, that we	21	form.
22	ask for their prescribers they have on	22	THE WITNESS: I don't know
23	there and then we see if there's any	23	what that information would be.
24	action taken against them.	24	If it was information regarding a
	Daga 415	-	Page 417
1	Page 415	1	Page 417
1 2	Q. And if one of your	1 2	doctor that again, I hate to
2	Q. And if one of your manufacturers or what you call the	2	doctor that again, I hate to speculate.
2 3	Q. And if one of your manufacturers or what you call the manufacturers, you're the customer of the	2	doctor that again, I hate to speculate. But if it had to do with one
3 4	Q. And if one of your manufacturers or what you call the manufacturers, you're the customer of the manufacturer of pharmaceuticals, if they	3 4	doctor that again, I hate to speculate. But if it had to do with one of our pharmacy customers, then we
2 3 4 5	Q. And if one of your manufacturers or what you call the manufacturers, you're the customer of the manufacturer of pharmaceuticals, if they told you about pill mill doctors, what	2 3 4 5	doctor that again, I hate to speculate. But if it had to do with one of our pharmacy customers, then we would look into that.
3 4	Q. And if one of your manufacturers or what you call the manufacturers, you're the customer of the manufacturer of pharmaceuticals, if they told you about pill mill doctors, what would you do with that information?	2 3 4 5 6	doctor that again, I hate to speculate. But if it had to do with one of our pharmacy customers, then we would look into that. BY MR. PIFKO:
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Page 418 Page 420 ¹ story that was about a physician getting ¹ inability to give specifics, it doesn't ² his office raided because he was a pill ² sound like you have a standard protocol ³ mill doctor and they sent that to you, ³ for dealing with that kind of ⁴ what would you do with that information? ⁴ information. MR. NICHOLAS: Object to the Would you agree with me 6 about that? form. 7 A. We have a protocol when we THE WITNESS: We would receive information, that we investigate. 8 verify to see if it was a customer 9 of ours. And, again, I don't 10 BY MR. PIFKO: understand what information you're talking about; depending on what that 11 Q. I'm talking about a doctor, ¹² though. information is depends upon what kind of 13 You don't -- do you sell 13 investigation is done, if any. Q. If you had information that 14 directly to doctors? a doctor in an area lost their license, A. We could -- if it was a ¹⁶ clinic, sometimes we will sell to a would you undertake an effort to learn if doctor, because clinics usually aren't your pharmacy clients were filling ¹⁸ licensed. So it depends upon the prescriptions from that doctor? practice. A. I don't know. 20 20 Q. So what I'm asking, though, Q. Do you have an established 21 is if you found out and verified a news procedure for doing that now? 22 story about a legal issue with a doctor A. Again, I'm not sure how that ²³ being raided because he was a pill mill, ²³ information is coming in and what the ²⁴ would you tell pharmacies in the area ²⁴ diversion control group does with that Page 419 Page 421 ¹ about that information? ¹ information, based upon the circumstances ² of whatever occurred with that doctor. MR. NICHOLAS: Object to the 3 Q. So if I sent you the name of form. ⁴ a doctor who had been -- lost her license 4 THE WITNESS: I don't know. 5 I don't think so. ⁵ in the Philadelphia area, it was ⁶ verified, would you tell any pharmacies BY MR. PIFKO: in the area? Q. Would you undertake any 8 ⁸ investigation to learn if a pharmacy was MR. NICHOLAS: Object to the filling prescriptions from that doctor? form. 10 10 A. I don't know. THE WITNESS: Again, you're -- it's a hypothetical. I 11 11 Q. Are you aware of a process 12 the company has to do that? 12 don't know the basis of the A. It depends on the 13 revocation of the license. We 14 information as it comes into the 14 can't just send notices out of --¹⁵ diversion control group. Again, I 15 to pharmacies disparaging a ¹⁶ don't -- I would need to understand the 16 doctor. I'm not sure what the 17 ¹⁷ information coming in and what the circumstances are. ¹⁸ circumstances are and if they have that 18 And the pharmacy has a 19 requirement that they also need to ¹⁹ information. 20 I can't tell you here, right 20 ensure -- they have a regulatory 21 now, what their investigation process 21 responsibility to ensure they only 22 ²² was, given this information that I'm not fill prescriptions from ²³ really sure that you're referring to. 23 appropriately licensed doctors. 24 Q. Well, so based on your 24 BY MR. PIFKO:

Page 422 Page 424 1 Q. And would you undertake any 1 MR. NICHOLAS: Object to the 2 ² effort to learn that a pharmacy wasn't -form. 3 ³ was filling prescriptions from a doctor THE WITNESS: What ⁴ who wasn't licensed? information? 5 MR. NICHOLAS: Object to the BY MR. PIFKO: 6 form. Q. Information about whether a 7 customer is filling prescriptions from an THE WITNESS: We would not unlicensed doctor. 8 know all the doctors that they're 9 filling prescriptions for. You A. No, that's not a 10 requirement. Our requirement is to know, we ask for the top 11 prescribers out of the due ensure that we sell to licensed 12 diligence process. pharmacies. The pharmacies have an But if they're filling 13 obligation, a regulatory obligation, to prescriptions for 30 different ensure that the prescriptions that they 14 fill are coming from licensed physicians. 15 doctors and one of the 30 had 16 their license revoked, we wouldn't I mean, it's part of the 17 closed loop, closed distribution. Each know that. segment has their responsibilities in 18 BY MR. PIFKO: 19 order -- in order to ensure compliance. Q. Would it bother you to know 20 that you sold pills to a pharmacy that Q. What about recordkeeping was filling orders from an unlicensed with respect to controlled substances; do ²² doctor? you understand that pharmacies have 23 recordkeeping obligations? MR. NICHOLAS: Object to the 24 form. You mean personally? Or the A. I would assume so, yes. Page 423 Page 425 1 company? When? Can you be more Q. You have recordkeeping 2 ² obligations, right, about what comes in specific? 3 THE WITNESS: Again, it and what goes out? A. Yes. We have recordkeeping 4 depends -- we can't control who 5 the pharmacy fills their responsibilities. prescriptions for. We have to 6 6 Q. And what's that designed to 7 ensure that the pharmacies that we detect? 8 8 do business with are appropriately MR. NICHOLAS: Object to the 9 licensed. form. 10 10 And if a pharmacy has --THE WITNESS: It depends again, I don't know the 11 11 upon what recordkeeping. I mean, 12 12 we have invoices. We have pick circumstances of the case, if 13 13 tickets. We have receiving you're referring to a case or if 14 14 this is a hypothetical. But if documents. We have inventory 15 15 the pharmacy was filling records. prescriptions from a doctor that 16 ¹⁶ BY MR. PIFKO: 17 17 wasn't licensed, then, yes, that Q. What I'm getting at is, one 18 would bother me. of the things that recordkeeping is 19 BY MR. PIFKO: designed to detect is loss or theft, 20 20 right? Q. Why would that bother you? 21 A. Because they weren't meeting 21 A. I mean, there's ²² their regulatory responsibilities. recordkeeping requirements to ensure that Q. But that's not information you have an accountability for the that you seek to obtain on your own? products that you've received and

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	Page 426		Page 428
1	distributed.	1	pharmacies' recordkeeping
2	Q. Well, if I know that I took	2	requirements.
3	10,000 pills in and I sold 8,000 but I	3	BY MR. PIFKO:
4	have nothing left in my store, that's	4	Q. Do you undertake any due
	something I want to know because maybe	5	diligence to ensure that the pharmacies
	they got stolen or, you know, there's an	6	to whom you're selling are complying with
	issue there. That's part of why you keep	7	their recordkeeping requirements?
	records.	8	MR. NICHOLAS: Objection to
9	Can we agree about that?	9	form. Objection to scope.
10	A. For accountability, yes.	10	THE WITNESS: In the course
11	Q. Yes, okay.	11	of an investigation, we may look
12	So if you knew that a	12	deeper at what's occurring at the
13	pharmacy wasn't maintaining accurate	13	pharmacy. Depending upon
	records to control for theft or loss, is	14	again, depending upon the
15	that something you would want to know	15	circumstances of the incident.
16	about?	16	BY MR. PIFKO:
17	MR. NICHOLAS: Wait a	17	Q. As a general matter, you
18	minute. I'll object to the form	18	don't seek to collect information about a
19	of the question. None of this is	19	pharmacy's recordkeeping obligations?
20	<u>=</u>	20	MR. NICHOLAS: Same
21	within the scope of the topics.	21	
22	You're asking him about a	22	objection.
23	pharmacy's obligations. And that	23	THE WITNESS: No. That's
24	is not one of the topics.		the pharmacy's obligations.
24	MR. PIFKO: Again, the	24	BY MR. PIFKO:
	Page 427		Page 429
1	Page 427 speaking objections are over the	1	Q. Would it concern you if you
1 2	_	1 2	_
	speaking objections are over the	1 2 3	Q. Would it concern you if you
2	speaking objections are over the top.	2	Q. Would it concern you if you sold opioid pills to a pharmacy that had
2 3	speaking objections are over the top. MR. NICHOLAS: But you're	2	Q. Would it concern you if you sold opioid pills to a pharmacy that had significant unreported theft?
2 3 4	speaking objections are over the top. MR. NICHOLAS: But you're not you're outside the scope.	2 3 4	Q. Would it concern you if you sold opioid pills to a pharmacy that had significant unreported theft? MR. NICHOLAS: Objection to
2 3 4 5	speaking objections are over the top. MR. NICHOLAS: But you're not you're outside the scope. MR. PIFKO: It's about the	2 3 4 5	Q. Would it concern you if you sold opioid pills to a pharmacy that had significant unreported theft? MR. NICHOLAS: Objection to form. And objection to scope.
2 3 4 5 6	speaking objections are over the top. MR. NICHOLAS: But you're not you're outside the scope. MR. PIFKO: It's about the diversion control policies, okay?	2 3 4 5	Q. Would it concern you if you sold opioid pills to a pharmacy that had significant unreported theft? MR. NICHOLAS: Objection to form. And objection to scope. Are you asking him
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2 3 4 5 6 7 8	speaking objections are over the top. MR. NICHOLAS: But you're not you're outside the scope. MR. PIFKO: It's about the diversion control policies, okay? We can argue all you say is objection, scope, and we can argue	2 3 4 5 6 7 8	Q. Would it concern you if you sold opioid pills to a pharmacy that had significant unreported theft? MR. NICHOLAS: Objection to form. And objection to scope. Are you asking him individually? THE WITNESS: Can you ask
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Page 430	Page 432
concerned. Wen, I would be	¹ itself when it complies with The
concerned, if they had internal	² Controlled Substances Act? MR NICHOLAS: Object to the
there for the pharmacy. The we	WIK. INICITOLAS. Object to the
would definitely but it's	TOTHI.
far I don't know the specifics	THE WITHESS. Tulling, as I
that I don't have any	indicated before, that we provide
specifies. Toute not giving me	a variable service to the suppry
any specifies.	cham. Tha one that we take
9 BY MR. PIFKO: 10 O I'm going to go back to	scribusty. Tind one that again,
Q. The going to go back to	if we don't follow the fules and
11 document Number 10.	regulations, then we can't supply these medications to pharmacies
Let the know when you're	these medications to pharmacies
 13 there. 14 Δ Ves 	and nospitals. So we take our
71. 1 Co.	responsibility very seriously.
Q. We discussed this earlier	And by implementing our
this morning. I want to direct you to	policy and procedures and ensuring we follow them protects our
the middle of the document. It says CSRA continues to	we follow them protects our
it says, Continues to	customers, because they wouldn't
19 work with sales and distribution center	be able to access these products
²⁰ management to establish adequate	if we weren't able to sell them to
²¹ threshold levels for retail pharmacies to	them.
provide protection to AmerisourceBergen,	MR. PIFKO: I'm going to
while limiting the impact to	play a video.
²⁴ AmerisourceBergen accounts.	(A video was shown.)
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Page 431	
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	Page 434		Page 436
1	it.	1	And in order to do so, we
2	THE WITNESS: Your question?	2	need to continue to do our
3	BY MR. PIFKO:	3	business diligently and in
4	Q. Having seen the video, do	4	compliance and in a safe in a
5	you think that you should provide	5	safe manner, to ensure that
6	protection to anyone else besides	6	product supply to the hospitals
7	yourself when you're implementing your	7	and pharmacies and doctors is
8	diversion control practices?	8	available. So it's not just about
9	MR. NICHOLAS: I'll object	9	AmerisourceBergen.
10	to the form of the question. It	10	BY MR. PIFKO:
11	mischaracterizes prior testimony.	11	Q. This is one of the biggest
12	THE WITNESS: As I	12	public health crises in America. And you
13	indicated, that we take our	13	guys are in the center of it.
14	responsibility very seriously,	14	Do you think that you could
15	regardless of the video.	15	have done more to protect the communities
16	I understand about the	16	around you?
17	opioid crisis, and it doesn't	17	MR. NICHOLAS: I'll object
18	it's impacted my family as well.	18	to the form of the question. It's
19	It's impacted a lot of our	19	argument. It's unfair.
20	employees as well. We understand	20	I'm going to let him answer.
21	what the circumstances are.	21	THE WITNESS: I've
22	And no, we aren't just about	22	explained I've explained the
23	protecting AmerisourceBergen. We	23	process and the safeguards that we
24	have a job to do. We have a job	24	have in place and the things that
	Page 435		Page 437
1	to make sure that the medications	1	we've done and the training that
2	that we receive are properly	2	we've done in this area.
3	stored and secure, in order to	3	It's a crisis. I don't know
4	make them available for customers	4	why, when we had a methamphetamine
5	and patients that need them.	5	crisis, that there was call to
6	These are these drugs are	6	action by legislature to include
7	approved by the FDA. And we sell	7	additional requirements. I'm not
8	them to licensed pharmacists who	8	sure why they didn't do that in
9	fill prescriptions written by a	9	1990, '91, '92, all the way to
10	licensed doctor.	10	today. They issue a guidance
11	Again, I'm not what we do	11	they issue DEA has issued
12	is to ensure that the integrity of	12	guidance letters.
13	the product makes it to a licensed	13	And if it's a crisis, I
14	pharmacy in order for the patient	14	would expect them to have a
15	to have that product available.	15	call-to-arms and have everybody
16	We implement our policy and	16	come to Washington, D.C. and
17	procedures to ensure that we don't	17	like we did with the chemicals,
18	have diversion. And that is the	18	and create a solution, or at least
19	responsibility we take, not just	19	work on a solution.
20	because just looking out for	20	We are as a private
1-0	<u> </u>	21	industry, we are trying to do
21	Amerisourcebergen, we supply 50	1	
	AmerisourceBergen, we supply 30 percent of the 25 to 30 percent	22	, , , , , , , , , , , , , , , , , , ,
21	percent of the 25 to 30 percent		we are not trying to do, we are
21 22		22	, , , , , , , , , , , , , , , , , , ,

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	Page 438		Page 440
1	the information that we have and	1	for identification.)
2	that's available to us.	2	
3	And we take that very	3	BY MR. PIFKO:
4	seriously. I take that very	4	Q. I'm handing you what has
5	seriously. The company takes it	5	been marked as Exhibit-15.
6	very seriously.	6	A. Thank you.
7	BY MR. PIFKO:	7	Q. For the record, this is a
8	Q. Do you think that you have	8	March 2017 code of ethics and business
9	any responsibility for the opioid crisis?	9	conduct of AmerisourceBergen, which was
10	MR. NICHOLAS: Object to the	10	obtained from the company's website. I
11	form of the question. It's		just want to ask you a quick couple of
12	outside the scope.	12	questions about this.
13	Go ahead.	13	You're the chief compliance
14	THE WITNESS: As I	14	officer, right?
15	indicated, that our responsibility	15	A. Correct.
16	in the opioid crisis is to ensure	16	Q. You have responsibility
17	that those products that we buy	17	MR. NICHOLAS: These are in
18	from the manufacturers that have	18	his individual capacity; is that
19	been that have been approved by	19	right?
20	DEA, through quotas to manufacture	20	MR. PIFKO: Yes.
21	and distribute, and our job is to	21	BY MR. PIFKO:
22	make sure when those opioids are	22	Q. You have responsibility for
23	within our control, that we	23	this document?
24	maintain adequate security for	24	A. Yes.
	Page 439		Page 441
1	those products, and recordkeeping.	1	Q. This document doesn't
2	We also make sure that we	2	-
3	vet our customers that we sell to,	3	
4	which are licensed pharmacies by	4	You can look through it, but
5	the DEA and the Board of Pharmacy.	5	would you agree with me?
6	And we distribute those products	6	A. I don't know. I mean, I can
7	in a safe and secure manner.	7	•
8	BY MR. PIFKO:	8	Q. I'll represent to you it
9	Q. Do you think you've done	9	doesn't refer to The Controlled
10	enough?	10	Substances Act. You can look at the
11	A. I think we are doing we	11	
12	<u>e</u>	12	laws, Page I here.
13	•	13	Is The Controlled Substances
14	partners. We've been working with	14	Act one of the laws that's mentioned
15	legislation to try to create solutions	15	here?
16	· ·	16	MR. NICHOLAS: I'll object
1	<u> </u>	17	to the form of the question.
17	help in this situation. And we continue		
17 18	help in this situation. And we continue to do that.	18	You probably need to read
	•	18 19	You probably need to read the entire document to really
18	to do that.		the entire document to really
18 19	to do that. (Whereupon, Amerisource	19	÷ *
18 19 20	to do that.	19 20	the entire document to really answer a question like this.
18 19 20 21	to do that. (Whereupon, Amerisource Bergen-Zimmerman Exhibit-15, No	19 20 21	the entire document to really answer a question like this. But go ahead.
18 19 20 21 22	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-15, No Bates, March 2017 AmerisourceBergen Code of Ethics	19 20 21 22	the entire document to really answer a question like this. But go ahead. THE WITNESS: What was your question? I'm sorry.

	-	_	
	Page 442		Page 444
1	Q. It's got a discussion of	1	remembers or knows.
	compliance with laws here in the table of	2	MR. PIFKO: You're coaching
3	contents.	3	him.
4	A. Okay.	4	MR. NICHOLAS: Well, this is
5	Q. You agree that The	5	just housekeeping. It's silly.
6	Controlled Substances Act is not one of	6	It's stupid.
7	those laws that's listed here?	7	THE WITNESS: Your question
8	MR. NICHOLAS: Object to the	8	was?
9	form. I'll object to the form. I	9	BY MR. PIFKO:
10	think the question is misleading.	10	Q. Is this a true and correct
11	THE WITNESS: In the section	11	copy of the document that was
12	that says, Associates must comply	12	A. It appears to be. It
13	with all applicable laws,	13	appears to be.
14	regulations and rules, including	14	Q. Okay. Is this from your
15	but not limited to those described	15	files?
16	below.	16	MR. NICHOLAS: Objection to
17	BY MR. PIFKO:	17	the form.
18	Q. Does it mention The	18	THE WITNESS: I don't know
19	Controlled Substances Act?	19	where it came from.
20	MR. NICHOLAS: Object to the	20	BY MR. PIFKO:
21	form.	21	Q. What is this document? Can
22	THE WITNESS: It doesn't	22	_
23	state that.	23	A. It looks like it looks
24	state that.	24	like a series of org charts.
	Page 443		Page 445
1	(Whereupon, Amerisource	1	Q. Is this an accurate
1 2	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No	1 2	Q. Is this an accurate depiction of the your department, the
	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No Bates, West Virginia Case		Q. Is this an accurate depiction of the your department, the CSRA?
2	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No	2	Q. Is this an accurate depiction of the your department, the
2 3	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No Bates, West Virginia Case	2 3	Q. Is this an accurate depiction of the your department, the CSRA?
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2 3 4 5 6 7	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No Bates, West Virginia Case Document, Organization Charts, was marked for identification.) BY MR. PIFKO:	2 3 4 5 6 7	Q. Is this an accurate depiction of the your department, the CSRA? MR. NICHOLAS: When? THE WITNESS: Yeah, which BY MR. PIFKO: Q. Well, it's got various
2 3 4 5 6 7 8	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No Bates, West Virginia Case Document, Organization Charts, was marked for identification.) BY MR. PIFKO: Q. I'm handing you what is	2 3 4 5 6 7 8	Q. Is this an accurate depiction of the your department, the CSRA? MR. NICHOLAS: When? THE WITNESS: Yeah, which BY MR. PIFKO: Q. Well, it's got various periods on it. The whole document.
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2 3 4 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No Bates, West Virginia Case Document, Organization Charts, was marked for identification.) BY MR. PIFKO: Q. I'm handing you what is marked as Exhibit-16. It's a document that was used in your deposition in the West Virginia litigation. Do you recall this document? A. Yes. I believe from the West Virginia case. Q. Do you agree this is a true and correct copy of the exhibit that was 1 was attached to your West Virginia litigation as referenced here on the first page of the document?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q. Is this an accurate depiction of the your department, the CSRA? MR. NICHOLAS: When? THE WITNESS: Yeah, which BY MR. PIFKO: Q. Well, it's got various periods on it. The whole document. MR. NICHOLAS: I think you have to focus the question for him. THE WITNESS: Which one? BY MR. PIFKO: Q. Every single page, you're at the top. MR. NICHOLAS: I'll object to the form. I'm not seeing any dates on the document at all. THE WITNESS: I don't see
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2 3 4 4 5 6 7 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	(Whereupon, Amerisource Bergen-Zimmerman Exhibit-16, No Bates, West Virginia Case Document, Organization Charts, was marked for identification.) BY MR. PIFKO: Q. I'm handing you what is marked as Exhibit-16. It's a document that was used in your deposition in the West Virginia litigation. Do you recall this document? A. Yes. I believe from the West Virginia case. Q. Do you agree this is a true and correct copy of the exhibit that was 1 was attached to your West Virginia litigation as referenced here on the first page of the document? MR. NICHOLAS: Object to the form THE WITNESS: Do I MR. NICHOLAS: in the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q. Is this an accurate depiction of the your department, the CSRA? MR. NICHOLAS: When? THE WITNESS: Yeah, which BY MR. PIFKO: Q. Well, it's got various periods on it. The whole document. MR. NICHOLAS: I think you have to focus the question for him. THE WITNESS: Which one? BY MR. PIFKO: Q. Every single page, you're at the top. MR. NICHOLAS: I'll object to the form. I'm not seeing any dates on the document at all. THE WITNESS: I don't see any dates either. BY MR. PIFKO:

Daga 4/16	7 440
Page 446	Page 448
Q. You're going to tell me.	form.
² You're the expert here. It's your	THE WITNESS: In a sense
³ department. This is your document, not	they had other duties in addition
4 mine.	4 to diversion control. As we
5 Let's look at the first	5 indicated with investigations,
⁶ page.	6 they also investigated theft. You
7 A. Okay.	⁷ had you have regional directors
8 Q. That's your name at the top	8 that also ensure compliance with
⁹ of this, right?	other not just the controlled
10 A. Yes.	substance requirements but also
Q. When you look at this and	security and prescription drug
see the people here and the positions	requirements that always had
here, can you tell me when this was?	controlled substances and
MR. NICHOLAS: Objection.	diversion as well.
Outside the scope. Object to the	15 BY MR. PIFKO:
form.	Q. Let's look can you point
THE WITNESS: Possibly 2007.	me to where the investigations department
I III not sure exactly.	18 is? Who it that who is on this first
19 BY MR. PIFKO: 20 O It says Associates assigned	page? 20 A Bruce Gundy
Q. It says, Associates assigned	A. Druce Guildy.
21 to provide resources for the diversion	Q. So there's four
22 control program. 23 Do you see that? On the	investigators underneath him? A Correct
Do you see that. On the	71. Concet.
left at the top, under the word, Current.	Q. Does he perform
Page 447	Page 449
¹ A. Yes.	¹ investigations himself?
² Q. And then underneath there,	² A. Yes.
³ it says, Everyone already has a full-time	³ Q. If we look at the next page,
⁴ job.	⁴ there's Bruce Gundy.
5 Do you see that?	
Do you see that:	5 And how many people are
6 A. Yes.	6 under him?
6 A. Yes. 7 Q. That's because the people	6 under him?7 A. Three.
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the	 6 under him? 7 A. Three. 8 Q. The next page?
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it.
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other 10 responsibilities, right?	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it. 10 Q. It's next to Mr. Hazewski.
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other 10 responsibilities, right? 11 MR. NICHOLAS: Object to the	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it. 10 Q. It's next to Mr. Hazewski. 11 MR. NICHOLAS: Hazewski.
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other 10 responsibilities, right? 11 MR. NICHOLAS: Object to the 12 form.	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it. 10 Q. It's next to Mr. Hazewski. 11 MR. NICHOLAS: Hazewski. 12 MR. PIFKO: Sorry.
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other 10 responsibilities, right? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: We already had	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it. 10 Q. It's next to Mr. Hazewski. 11 MR. NICHOLAS: Hazewski. 12 MR. PIFKO: Sorry. 13 THE WITNESS: Are you
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other 10 responsibilities, right? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: We already had 14 diversion control. We just	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it. 10 Q. It's next to Mr. Hazewski. 11 MR. NICHOLAS: Hazewski. 12 MR. PIFKO: Sorry. 13 THE WITNESS: Are you 14 referring to Bruce or Ed?
6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other 10 responsibilities, right? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: We already had 14 diversion control. We just 15 this is in 2007. So part of their	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it. 10 Q. It's next to Mr. Hazewski. 11 MR. NICHOLAS: Hazewski. 12 MR. PIFKO: Sorry. 13 THE WITNESS: Are you 14 referring to Bruce or Ed? 15 BY MR. PIFKO:
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6 A. Yes. 7 Q. That's because the people 8 responsible to provide resources for the 9 diversion control program had other 10 responsibilities, right? 11 MR. NICHOLAS: Object to the 12 form. 13 THE WITNESS: We already had 14 diversion control. We just 15 this is in 2007. So part of their 16 jobs was already in diversion 17 control. 18 BY MR. PIFKO: 19 Q. Part of their job what? 20 A. Was part was for	 6 under him? 7 A. Three. 8 Q. The next page? 9 A. I can't really read it. 10 Q. It's next to Mr. Hazewski. 11 MR. NICHOLAS: Hazewski. 12 MR. PIFKO: Sorry. 13 THE WITNESS: Are you 14 referring to Bruce or Ed? 15 BY MR. PIFKO: 16 Q. Bruce. 17 You were trying to look for 18 his department. How many people were 19 in 20 A. Yes.
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Page 450 1 And then let's look at the 2 next page, how many? 3 A. Two. 4 Q. And the last page? 5 A. Two. 6 Q. And all those investigators 7 have duties other than diversion control, 8 correct? 9 MR. NICHOLAS: Object to the 10 form. 11 THE WITNESS: Yes. But 2 as so after the first one, 13 investigators control department, which had 15 investigators control 16 department, which had 16 investigators control 17 department, which had 18 investigators control 18 So now you had diversion control doing investigations, as well. 12 And then you had a compliance staff at each of the 3 distribution centers, all with a compliance staff of either two to 8 six individuals. So also with a compliance staff of either two to 8 six individuals. So also with a compliance staff of either two to 8 six individuals. So also with a 15 under Bruce. And then you see 15 investigators on the series of the distribution centers, all with a 15 compliance staff of either two to 8 six individuals. So also with a 15 under Bruce. And then you see 15 investigators on the control, 16 for completeness here. 17 For people as investigators on the 18 under Bruce. And then you see 18 investigators about this. 17 Have you seen this before? 18 It says about this. 18 have some quick questions about this. 19 Are you familiar with this 6 policy and procedure? 7 A. Ives seen it, yes. 6 Q. It says that this is retail 9 pharmacy trageted visits. 10 What is that? 11 A. Retail targeted visit; that 12 A. Web 16 additional investigation 14 Q. Okay. 13 want to do additional investigation 14 Q. Okay. 14 A. Yes, I am. 15 A which consisted of a targeted visit. 17 Q. I want to direct your 18 attention to the bottom where it says, 2, 12 pre-visit preparation. 18 attention to the bottom where it says, 2, 12 pre-visit preparation. 19 A. Yes, I am. 20 Li says, The CSRA 16 distribution centers, all with a 16 compliance staff of either two to 17 the six of the preparation of the visit preparation. 19 Control of the visit preparation. 19 Control			,	(Aller isourcebergen)
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Q. I'm handing you what is Bergen-Zimmerman Exhibit-18,	4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	distribution centers. We have 26 distribution centers, all with a compliance staff of either two to six individuals. So also with a role within looking into these issues. BY MR. PIFKO: Q. Let's look at the last page for completeness here. Four people as investigators there? A. Yes. Four investigators under Bruce. And then you see investigators under diversion control. (Whereupon, Amerisource Bergen-Zimmerman Exhibit-17, ABDCMDL 00251392-94, was marked for identification.)	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	ensure that the owner, person in charge, or their designee, will be present on the arranged date in order to give their undivided attention to the CSRA representative for a minimum of one hour. The account manager is responsible for coordinating the visit date and time with the owner and/or person in charge or their designee. Do you see that? A. Yes. Q. So I just want to confirm, under AmerisourceBergen's policy for investigating and visiting pharmacies, the owner or person in charge or designee is provided advanced notice of those visits, correct? A. Yes. We need them there in order to conduct our site visit.
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	Page 454		Page 456
1	ABDCMDL 00002325-2334, was marked	1	It's talking about different
2	for identification.)	1	codes that can be entered, if an order
3		3	exceeds a threshold, agree?
4	BY MR. PIFKO:	4	A. Code that yes.
5	Q. I'm handing you what is	5	Q. Under the code, AD approved
6	marked as Exhibit-18. It's a memorandum	6	by DIV, allocate do you see that?
7	to distribution center associates, from	7	A. Yes.
8	you and Frank Napoli, dated June 29,	8	Q. What does that mean?
9	2007, Bates numbered ABDCMDL 00002325	9	A. Division would be the DIV.
10	through 2334.	10	Q. Do you know what allocate
11	Take your time to review it.	11	means there?
12	I only have a couple little questions	12	A. In the system, at the time
13	about it.	13	when they placed an order when a
14	MR. NICHOLAS: While he's	14	· -
15	reviewing, can we know how much	15	there's ten on the our inventory is
16	time is left?	16	ten on the shelf and you place an order
17	VIDEO TECHNICIAN: There is	17	for two, it will allocate those two.
18	42 minutes.	18	So I'm assuming that if it's
19	MR. NICHOLAS: Thank you.	19	approved by division, you would allocate
20	Are you going to take the	20	the amount of product that the customer
21	full 42?	21	is ordering at the time.
22	MR. PIFKO: We'll see. It's	22	Q. Scrolling down to the first
23	actually earlier than I thought it	23	bullet point under there, it says, Know
24	would be.		your customer means let me back up.
1	Page 455	1	Page 457
	MR. NICHOLAS: Me, too.	-	If the it says, This code
		2	alean I d ha mand har than distuitantion contan
2	Wherever a discussion off	1	should be used by the distribution center
3	(Whereupon, a discussion off	3	associate during the initial review. If
3 4	(Whereupon, a discussion off the record occurred.)	3 4	associate during the initial review. If the distribution center associate
3 4 5	the record occurred.)	3 4 5	associate during the initial review. If the distribution center associate determines that the order quantity is not
3 4 5 6	the record occurred.) THE WITNESS: Okay.	3 4	associate during the initial review. If the distribution center associate determines that the order quantity is not suspicious (based on "know your customer"
3 4 5 6 7	the record occurred.) THE WITNESS: Okay. BY MR. PIFKO:	3 4 5 6 7	associate during the initial review. If the distribution center associate determines that the order quantity is not suspicious (based on "know your customer" philosophy) the order can be released.
3 4 5 6 7 8	the record occurred.) THE WITNESS: Okay. BY MR. PIFKO: Q. Can you tell me what this	3 4 5	associate during the initial review. If the distribution center associate determines that the order quantity is not suspicious (based on "know your customer" philosophy) the order can be released. "Know your customer" means
3 4 5 6 7 8	the record occurred.) THE WITNESS: Okay. BY MR. PIFKO: Q. Can you tell me what this is?	3 4 5 6 7 8 9	associate during the initial review. If the distribution center associate determines that the order quantity is not suspicious (based on "know your customer" philosophy) the order can be released. "Know your customer" means knowing which accounts are hospitals, DOD
3 4 5 6 7 8 9	the record occurred.) THE WITNESS: Okay. BY MR. PIFKO: Q. Can you tell me what this is? A. This is a document that we	3 4 5 6 7 8 9	associate during the initial review. If the distribution center associate determines that the order quantity is not suspicious (based on "know your customer" philosophy) the order can be released. "Know your customer" means knowing which accounts are hospitals, DOD accounts, the warehouse, or a chain or
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	Page 458	Τ	Page 460
1	-	1	_
2	distribution centers, their		BY MR. PIFKO:
3	customer base.	3	Q. I'm handing you what has
4	So part of our negotiations		been marked as Exhibit-19. It's a
5	with DEA, in 2007, is they wanted	5	
6	to make sure that the distribution	6	document bates inocica ribberible 00002 103
7	centers had an understanding of	7	through 2418.
8	the customers that they were	8	Take your time to review it,
9	servicing as well. And that was what the	9	out, again, I just have some questions
10		10	Let me know when you're
11	training for the responsible person in charge consisted of.		ready.
12	<u> </u>	12	A. Okay.
13	And that's what they're referring to.	13	Q. Are you ready?
14	So DOD accounts, this is in	14	This document is titled,
15	the height of the Iraq War, and we	15	Order Monitoring Program, OMP, Setting
16	didn't want to be not holding up	16	the Record Straight.
17	orders to the DOD at this time.	17	Do you see that?
18	So if they came through at night	18	A. Yes.
19	and it wasn't something you	19	Q. And it's talking about the
20	know, it wasn't suspicious, then	20	difference between the non-SAP, or S-A-P,
21	they had the ability to release	21	
22	that order.	22	Can you explain what that is
23	BY MR. PIFKO:	23	about?
24	Q. How about chain or grocery	24	
	Dogo 450		Doga 161
1	Page 459	1	Page 461
	customers?		operating platform that a lot of
1 2 3	customers? A. It was all depending upon	2	operating platform that a lot of manufacturers operate on, and we moved to
3	customers? A. It was all depending upon their knowledge of the customer that they		operating platform that a lot of manufacturers operate on, and we moved to that operating platform.
2 3 4	customers? A. It was all depending upon their knowledge of the customer that they were servicing from the distribution	3 4	operating platform that a lot of manufacturers operate on, and we moved to that operating platform. So this is a move from the
2 3 4 5	customers? A. It was all depending upon their knowledge of the customer that they were servicing from the distribution center day in and day out.	2 3 4 5	operating platform that a lot of manufacturers operate on, and we moved to that operating platform. So this is a move from the old operating platform for the company to
2 3 4 5 6	customers? A. It was all depending upon their knowledge of the customer that they were servicing from the distribution center day in and day out. And these were all things we	2 3 4 5 6	operating platform that a lot of manufacturers operate on, and we moved to that operating platform. So this is a move from the old operating platform for the company to the new SAP operating platform.
2 3 4 5 6 7	customers? A. It was all depending upon their knowledge of the customer that they were servicing from the distribution center day in and day out. And these were all things we were discussing with the DEA when we were	2 3 4 5 6 7	operating platform that a lot of manufacturers operate on, and we moved to that operating platform. So this is a move from the old operating platform for the company to the new SAP operating platform. Q. And prior to the SAP system,
2 3 4 5 6 7 8	customers? A. It was all depending upon their knowledge of the customer that they were servicing from the distribution center day in and day out. And these were all things we were discussing with the DEA when we were talking about holding because, again,	2 3 4 5 6 7 8	operating platform that a lot of manufacturers operate on, and we moved to that operating platform. So this is a move from the old operating platform for the company to the new SAP operating platform. Q. And prior to the SAP system, the system you employed was called STAR?
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		.1	
	Page 462		Page 464
1	A. I have seen the document		all the controls.
2	before.	2	Q. So why would it say each
3	Q. Okay. It says, How are	3	account had their own threshold?
4	thresholds tracked for multiple accounts	4	MR. NICHOLAS: Object to the
5	using the same DEA registration number?	5	form.
6	Do you see that?	6	THE WITNESS: I don't know.
7	A. What number?	7	BY MR. PIFKO:
8	Q. Two.	8	Q. Were there thresholds for
9	A. Yes.	9	things other than controlled substances?
10	Q. So prior to the	10	MR. NICHOLAS: Object to the
11	implementation of this system, someone	11	form.
12	with a single registration DEA	12	THE WITNESS: I would only
13	registration number could have multiple	13	be speculating.
14	accounts with AmerisourceBergen, correct?	14	BY MR. PIFKO:
15	A. So some pharmacies will set	15	Q. So it's possible that before
16	up multiple accounts at a location to	16	the SAP system, an account each
17	have their front end on one account and	17	account within the same registration
18	their pharmacy on another account. And,	18	number could have had controls?
19	so they could have more than one account	19	A. Again, I don't know what
20	number.	20	the so, as I indicated, the front end
21	But under the account	1	in the pharmacy, the list of chemicals,
22	number, we would code the schedules as,		pseudoephedrine is a front-end item which
23	no, so they couldn't order controlled		would require a DEA number but not a
	substance. So we would roll it under the	1	control schedule.
	D 460		P 455
1	Page 463	1	Page 465
	one account that was actually purchasing	1	I'm not sure if that's what
2	one account that was actually purchasing the controlled substances.	2	I'm not sure if that's what they're referring to.
3	one account that was actually purchasing the controlled substances. Q. Well, it says here that	2	I'm not sure if that's what they're referring to. Q. But it's possible that at
3 4	one account that was actually purchasing the controlled substances. Q. Well, it says here that pre-SAP, under the STAR system, each	2 3 4	I'm not sure if that's what they're referring to. Q. But it's possible that at that time, under the STAR system, an
2 3 4 5	one account that was actually purchasing the controlled substances. Q. Well, it says here that pre-SAP, under the STAR system, each account had its own threshold. And after	2 3 4 5	I'm not sure if that's what they're referring to. Q. But it's possible that at that time, under the STAR system, an account you could have one DEA
2 3 4 5 6	one account that was actually purchasing the controlled substances. Q. Well, it says here that pre-SAP, under the STAR system, each account had its own threshold. And after the SAP system, thresholds are now based	2 3 4 5 6	I'm not sure if that's what they're referring to. Q. But it's possible that at that time, under the STAR system, an account you could have one DEA registration and order controls under two
2 3 4 5 6 7	one account that was actually purchasing the controlled substances. Q. Well, it says here that pre-SAP, under the STAR system, each account had its own threshold. And after the SAP system, thresholds are now based on a single DEA registration number	2 3 4 5 6 7	I'm not sure if that's what they're referring to. Q. But it's possible that at that time, under the STAR system, an account you could have one DEA registration and order controls under two accounts, correct?
2 3 4 5 6 7 8	one account that was actually purchasing the controlled substances. Q. Well, it says here that pre-SAP, under the STAR system, each account had its own threshold. And after the SAP system, thresholds are now based on a single DEA registration number rather than on the account number, agree?	2 3 4 5 6 7 8	I'm not sure if that's what they're referring to. Q. But it's possible that at that time, under the STAR system, an account you could have one DEA registration and order controls under two accounts, correct? MR. NICHOLAS: Object to the
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	Page 466		Page 468
1	MR. NICHOLAS: I'm sorry,	1	and post-SAP, to review orders and
2	can you just do that again? Which	2	release if they believe they
3	one which number are we on?	3	weren't suspicious.
4	BY MR. PIFKO:	4	BY MR. PIFKO:
5	Q. 11, Page 5. What can a	5	Q. That's not what it says
6	distribution center do to release orders	6	here.
7	being held due to order monitoring	7	It says that pre-SAP, once
8	program, question mark.	8	an order once an account exceeded the
9	Do you see that?	9	threshold on a drug family, the
10	A. I'm sorry, now you confused	10	distribution center had the ability to
11	me.	11	release the order upon review.
12	MR. NICHOLAS: 11.	12	It says, Under the post-SAP,
13	THE WITNESS: Number 11?	13	the distribution center has the ability
14	MR. NICHOLAS: Yes.	14	to review and release the order that
15	MR. PIFKO: You can look on	15	caused the account to exceed their
16	the screen in front of you as	16	ordering threshold. However, any
17	well.	17	additional order for that specific drug
18	BY MR. PIFKO:	18	family will automatically be rejected
19	Q. I really want to direct your	19	upon submission.
20	attention to the next page, under that	20	Do you see that?
21	same heading, under 11, it says, Bottom	21	A. Is that in that same
22	line, historically each distribution	22	Q. Same section, 11.
23	center had the ability to review held	23	Do you agree that this
24	orders and apply their best judgment in	24	document says, As we deploy SAP to our
	Page 467		Page 469
1	_	1	
1 2	releasing individual orders. Most sales		distribution centers, the order
2	releasing individual orders. Most sales associates have had accounts exceed their	2	distribution centers, the order monitoring program management process
3	releasing individual orders. Most sales associates have had accounts exceed their thresholds at some point in time.	2	distribution centers, the order monitoring program management process becomes more systemic and less arbitrary?
3 4	releasing individual orders. Most sales associates have had accounts exceed their thresholds at some point in time. However, the distribution center had the	3 4	distribution centers, the order monitoring program management process becomes more systemic and less arbitrary? Do you agree that's what it
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Page 4'	
¹ A. It would get flagged and	¹ that order or not.
² they have to do a review.	² Q. Do you believe the
³ Q. They could decide to release	³ distribution center people had sufficient
4 it?	⁴ training?
⁵ MR. NICHOLAS: Object to the	⁵ A. Yes.
6 form.	⁶ Q. Is there documentation of
⁷ THE WITNESS: If they	⁷ the training they had?
⁸ based upon the review and their	8 A. Yes.
⁹ recommendation, they could do	⁹ Q. Is it something other than
10 that.	¹⁰ what we've seen today?
¹¹ BY MR. PIFKO:	11 MR. NICHOLAS: Object to the
Q. So you would agree that	12 form.
13 there was some degree of arbitrariness to	THE WITNESS: I'm not sure.
14 the old system?	In here?
MR. NICHOLAS: Object to the	15 BY MR. PIFKO:
16 form.	Q. Yes.
THE WITNESS: Again, it was	A. No, I've not seen it.
based upon their training and	Q. What was the name of the
review of whether they released	19 training that they were provided?
the order or not.	A. I think it's responsible
And, again, I wasn't aware	²¹ person in charge training.
they couldn't do it after the SAP.	Q. Is that just a document they
They have the ability to review an	²³ read or is there a class?
order that hits the monitoring	A. No, you go through a and,
Page 4'	71 Page 473
system. And if they have they	¹ again, it depends on the time frame
² believe they determine that	² you're talking about as well. So it's
 believe they determine that it's not suspicious, they have the 	1
² believe they determine that	² you're talking about as well. So it's
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	D 474		D 476
1	Page 474	1	Page 476
2	with that.	2	understands how the threshold program and
3	BY MR. PIFKO:	2	your order monitoring program works, do
	Q. Why not?	3	you think that they can adjust their
4	A. I don't think it defeats	-	ordering practices to circumvent the
	I don't think it defeats the purpose of	5	program?
6	the monitoring program. The monitoring	6	MR. NICHOLAS: Object to the
	program is designed for us to monitor	7	form. Object to the snarky
	controlled substance orders and come up	8	comment at the beginning of the
9	with a program to detect and report	9	question. No need for it.
10	suspicious orders.	10	THE WITNESS: When we
11	Q. And so if a customer knows	11	implemented the program in 2007,
	how the program functions, they could	12	this was a change in the industry.
13	adjust their orders to evade detection	13	And customers it caused chaos
	under the program, agree?	14	in the marketplace, because
15	A. The purpose of the document	15	customers were expecting these
16	is, so, again, and I think it was	16	orders to come and they were not.
17	referenced in the DEA letters, that the	17	And they weren't because
18	vast majority of the distributors and the	18	they were diverting products, it
19	pharmacies are operating in compliance	19	was because of their ordering
20	and are distributing much-needed	20	however they had ordered the
21	medications to patients that come in the	21	product, the system would flag it
22	next day.	22	as a potentially suspicious order,
23	We're on a just-in-time	23	order of interest.
24	inventory. Customers place orders up	24	And after review, it wasn't
	Page 475		Page 477
1	Page 475 until 5 o'clock at night, and then they	1	Page 477 suspicious. By that time, they've
	until 5 o'clock at night, and then they	1 2	suspicious. By that time, they've
2	until 5 o'clock at night, and then they get it the next day. So pharmacies		suspicious. By that time, they've now delayed service to their
2	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They	2	suspicious. By that time, they've now delayed service to their patients for no fault of their
3 4	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order,	2 3	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order
3 4	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their	2 3 4	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out,
2 3 4 5	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day.	2 3 4 5	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to
2 3 4 5 6 7	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day. So we try to ensure that we	2 3 4 5	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to divert product or get around the
2 3 4 5 6 7	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day. So we try to ensure that we have a process in place that, one, meets	2 3 4 5 6 7	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to divert product or get around the system, they were just trying to
2 3 4 5 6 7 8	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day. So we try to ensure that we have a process in place that, one, meets our regulatory responsibility to prevent	2 3 4 5 6 7 8	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to divert product or get around the system, they were just trying to understand how they can order
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2 3 4 5 6 7 8 9 10 11 12 13 14 15	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day. So we try to ensure that we have a process in place that, one, meets our regulatory responsibility to prevent diversion through suspicious order reporting; but also to make sure that our customers have much-needed medications available to them for the prescriptions that they're filling by licensed doctors. And this is a program and that's why we have a person at the	2 3 4 5 6 7 8 9 10 11 12 13 14	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to divert product or get around the system, they were just trying to understand how they can order product so they could get it to their patients. Your question I take your question, first, that we are our customer base is trying to get around the system so they can buy much more opioids to divert, and
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day. So we try to ensure that we have a process in place that, one, meets our regulatory responsibility to prevent diversion through suspicious order reporting; but also to make sure that our customers have much-needed medications available to them for the prescriptions that they're filling by licensed doctors. And this is a program and that's why we have a person at the distribution center in the middle of the night reviewing these orders, that have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to divert product or get around the system, they were just trying to understand how they can order product so they could get it to their patients. Your question I take your question, first, that we are our customer base is trying to get around the system so they can buy much more opioids to divert, and that's not the case. BY MR. PIFKO:
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2 3 4 4 5 6 7 8 8 9 10 11 12 13 14 15 16 17 18 19 20 21	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day. So we try to ensure that we have a process in place that, one, meets our regulatory responsibility to prevent diversion through suspicious order reporting; but also to make sure that our customers have much-needed medications available to them for the prescriptions that they're filling by licensed doctors. And this is a program and that's why we have a person at the distribution center in the middle of the night reviewing these orders, that have been trained, so they're not holding up these orders so the next day the person isn't able to get their medication. Q. Are you ready to answer my	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to divert product or get around the system, they were just trying to understand how they can order product so they could get it to their patients. Your question I take your question, first, that we are our customer base is trying to get around the system so they can buy much more opioids to divert, and that's not the case. BY MR. PIFKO: Q. You were providing an answer that was targeted towards this document. I'm just asking more generally, if you believe that if a
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	until 5 o'clock at night, and then they get it the next day. So pharmacies aren't carrying their inventory. They are expecting, when they place an order, that the patients are going to get their prescription the next day. So we try to ensure that we have a process in place that, one, meets our regulatory responsibility to prevent diversion through suspicious order reporting; but also to make sure that our customers have much-needed medications available to them for the prescriptions that they're filling by licensed doctors. And this is a program and that's why we have a person at the distribution center in the middle of the night reviewing these orders, that have been trained, so they're not holding up these orders so the next day the person isn't able to get their medication.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	suspicious. By that time, they've now delayed service to their patients for no fault of their own. And so when the order monitoring process was rolled out, pharmacies weren't trying to divert product or get around the system, they were just trying to understand how they can order product so they could get it to their patients. Your question I take your question, first, that we are our customer base is trying to get around the system so they can buy much more opioids to divert, and that's not the case. BY MR. PIFKO: Q. You were providing an answer that was targeted towards this document. I'm just asking more

	Christopher Zimmerman	-	(
	Page 478		Page 480
1	program, that that can adversely impact	1	BY MR. PIFKO:
2	diversion because they could adjust their	2	Q. Well, okay. Based on your
3	activity to evade your system?	3	production, and we were just looking at
4	MR. NICHOLAS: Object to the	1	the SAP and the STAR system, it's my
5	form. Asked and answered.	5	understanding that in the STAR system
6	THE WITNESS: I don't agree	6	time period, there's one document that
7	with that.	7	tells you what orders what orders were
8	MR. PIFKO: We're going to	8	placed and whether they were shipped.
9	take a break.	۵	- · · · · · · · · · · · · · · · · · · ·
10		1	There's another document that tells you
	VIDEO TECHNICIAN: Going off		if there was an investigation, and
11	the record. 6:02 p.m.	1	there's another document that tells you
12		1	if there was a report to the DEA.
13	(Whereupon, a brief recess	13	Are you familiar with that
14	was taken.)		idea?
15		15	MR. NICHOLAS: Object to the
16	VIDEO TECHNICIAN: Back on	16	form.
17	the record at 6:11 p.m.	17	THE WITNESS: I don't know
18	BY MR. PIFKO:	18	the specifics of the how it was
19	Q. If I wanted to ask you about	19	developed. I assume you're
20	the company's records regarding specific	20	talking about 2007 to
21		21	BY MR. PIFKO:
22	in the Track 1 jurisdictions are you	22	Q. The STAR system from 2007 to
	familiar with what the Track 1	23	2012.
	jurisdictions are? If I use that term,	24	A. Right. I was involved
	Page 479		Page 481
1	1 41 4 41 4 0	1 1	
	does that mean anything to you?	1	when I was negotiating the settlement
2	A. Not exactly. I've seen it,	2	with DEA, our IT group was having
3	A. Not exactly. I've seen it, but I don't	3	with DEA, our IT group was having discussions with DEA as well. And I'm
3 4	A. Not exactly. I've seen it, but I don't Q. Sorry. Let me ask it a	3	with DEA, our IT group was having discussions with DEA as well. And I'm not sure how they structured it.
2 3 4 5	A. Not exactly. I've seen it, but I don't Q. Sorry. Let me ask it a different way.	2 3 4 5	with DEA, our IT group was having discussions with DEA as well. And I'm not sure how they structured it. I'm not sure what your
3 4	A. Not exactly. I've seen it, but I don't Q. Sorry. Let me ask it a different way. If I wanted to talk to	2 3 4 5 6	with DEA, our IT group was having discussions with DEA as well. And I'm not sure how they structured it. I'm not sure what your question is.
2 3 4 5	A. Not exactly. I've seen it, but I don't Q. Sorry. Let me ask it a different way. If I wanted to talk to someone who was familiar with the	2 3 4 5	with DEA, our IT group was having discussions with DEA as well. And I'm not sure how they structured it. I'm not sure what your question is. Q. Is there someone, though,
2 3 4 5 6	A. Not exactly. I've seen it, but I don't Q. Sorry. Let me ask it a different way. If I wanted to talk to	2 3 4 5 6	with DEA, our IT group was having discussions with DEA as well. And I'm not sure how they structured it. I'm not sure what your question is.
2 3 4 5 6 7	A. Not exactly. I've seen it, but I don't Q. Sorry. Let me ask it a different way. If I wanted to talk to someone who was familiar with the	2 3 4 5 6	with DEA, our IT group was having discussions with DEA as well. And I'm not sure how they structured it. I'm not sure what your question is. Q. Is there someone, though,
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	CITT DEOPTICE ZEMMET MAI	_	
	Page 482		Page 484
1	BY MR. PIFKO:	1	deposition, did you understand yourself
2	Q. What about for your	2	to be designated to testify about topics
3	investigations and due diligence files,	3	concerning the company's involvement with
4	who would be familiar with those?	4	the had?
5	A. That would be, if they are	5	A. Yes.
6	CSRA files, that would be my department,	6	Q. What steps did you take to
7	or our department.	7	become familiar with the company's
8	Q. Who within your department	8	involvement with the had?
9	would have the most expertise about that?	9	A. I had my personal
10	MR. NICHOLAS: Object to the	10	
11	form.		the committees I participated on. I
12	THE WITNESS: What time	1	reviewed the had document, I can't
13	frame?	1	remember the title of it, the guidelines.
14	BY MR. PIFKO:	14	And that's pretty much it.
15	Q. Well, let's any time	15	Q. Did you talk to anyone
16	frame. Tell me.	16	besides reviewing your own documents?
17	A. We've changed systems	17	A. Outside no. Outside of
18	through the course. In addition to the	18	
19	SAP, we have also changed internal	19	Q. Did you review any documents
	systems within CSRA.	20	
21	Q. Okay. How about for the	21	A. I indicated the document of
22	2007 to 2012?	22	
23	A. The investigation,		•
	investigations would probably be, you	24	
			Q. There's many people at the
	Page 483		Page 485
	Page 483 want a name?		company who have participated with the
2	want a name? It would probably be Bruce		company who have participated with the had, correct?
3	want a name? It would probably be Bruce Gundy. And Steve Mays, who you've		company who have participated with the had, correct? A. Yes.
3 4	want a name? It would probably be Bruce Gundy. And Steve Mays, who you've mentioned. He has some system	2 3 4	company who have participated with the had, correct? A. Yes. Q. Who all, to your knowledge,
2 3 4 5	want a name? It would probably be Bruce Gundy. And Steve Mays, who you've mentioned. He has some system responsibilities not responsibilities,	2 3 4	company who have participated with the had, correct? A. Yes.
2 3 4 5	want a name? It would probably be Bruce Gundy. And Steve Mays, who you've mentioned. He has some system	2 3 4	company who have participated with the had, correct? A. Yes. Q. Who all, to your knowledge,
2 3 4 5	want a name? It would probably be Bruce Gundy. And Steve Mays, who you've mentioned. He has some system responsibilities not responsibilities, but knowledge within CSRA as well. Q. And then how about for the	2 3 4 5	company who have participated with the had, correct? A. Yes. Q. Who all, to your knowledge, has participated in the had? A. It's a lot. Q. Okay.
2 3 4 5 6	want a name? It would probably be Bruce Gundy. And Steve Mays, who you've mentioned. He has some system responsibilities not responsibilities, but knowledge within CSRA as well.	2 3 4 5 6	company who have participated with the had, correct? A. Yes. Q. Who all, to your knowledge, has participated in the had? A. It's a lot.
2 3 4 5 6 7	want a name? It would probably be Bruce Gundy. And Steve Mays, who you've mentioned. He has some system responsibilities not responsibilities, but knowledge within CSRA as well. Q. And then how about for the	2 3 4 5 6 7 8	company who have participated with the had, correct? A. Yes. Q. Who all, to your knowledge, has participated in the had? A. It's a lot. Q. Okay. A. It could be 50. Because they have different segments, whether
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	CHIEBCOPHEL ZHIMICHMA		<u> </u>
1	Page 486	1	Page 48
	involvement with the had?	1	inc, ten seconds to decide
2	A. Yes.	2	whether to ask him any questions.
3	Q. I understand that there's a	3	MR. PIFKO: Sure.
4	gap in your document production from	4	VIDEO TECHNICIAN: Going off
5	August 24th, 2007 to July 15th, 2010.	5	the record. 6:19 p.m.
6	Do you have any reason to	6	
7	believe that there would be documents not	7	(Whereupon, a brief recess
8	in your system from then from you?	8	was taken.)
9	A. No.	9	
10	Q. Were you still working for	10	VIDEO TECHNICIAN: Back on
11	the company during that time period?	11	record at 6:22 p.m.
12	A. Yes.	12	MR. NICHOLAS: I have no
13	Q. Did you have a computer and	13	questions for the witness. So,
14	e-mail during that time period?	14	Mr. Zimmerman, thank you very much
15	A. I did.	15	and you're excused. Although you
16	Q. Are you aware of any system	16	can sit here to listen to us argue
17	crashes during that time period?	17	about one last thing.
18	MR. NICHOLAS: Let me	18	Just you said you said,
19	interpose an objection to the	19	you know, five minutes ago that
20	extent that I personally don't	20	there was a gap in the documents.
21	know if the representation you're	21	It's the first I've heard of that.
22	making is right about the	22	You haven't raised that with us up
23	documents.	23	until now.
24	But go ahead and ask your	24	I suspect there's not a gap
			<u> </u>
_	Page 487		Page 48
1	questions.	1	in the documents. But in any
2	THE WITNESS: What was the	2	event, this is all my way of
3	last question? Sorry.	3	saying we don't necessarily agree
4	BY MR. PIFKO:	4	that you're going to be able to
5	Q. I was just asking if you	5	come back, you know, for another
6	were aware of any system failures or	6	deposition. That's something
7	crashes of servers during that time	7	we'll have to fight about.
8	period at the company?	8	MR. PIFKO: I agree. That
9	A. Not that I know of.	9	was my statement, that we can meet
10	MR. PIFKO: Okay. Well,	10	and confer about it.
11	it's my understanding that there's	11	So we can dispute about
12	that gap in those documents and	12	whether that happens or not.
13	there may be other documents that	13	MR. NICHOLAS: Okay. I've
14	might come into the production.	14	got nothing else.
15	So subject to additional	15	VIDEO TECHNICIAN: This ends
16	documents that might be produced,	16	today's deposition. We're going
17	we will reserve our right to	17	off the record at 6:23 p.m.
18	recall. And I'm sure we can meet	18	
19	and confer about it if we have a	19	(Whereupon, the deposition
20	dispute.	20	was concluded at 6:23 p.m.)
21	And other than that, I don't	21	was concluded at 0.25 p.m.)
22	have any questions for you at the	22	
23	• •	23	
24	moment.	24	
_ 1	MR. NICHOLAS: Give me,	-	

	Page 490		Page 492
1	CERTIFICATE	1	
2			ERRATA
3		2	
4	I HEREBY CERTIFY that the	3	
5	witness was duly sworn by me and that the	4	PAGE LINE CHANGE
6	deposition is a true record of the	5	THOSE SINCE CHANGE
7	testimony given by the witness.	6	REASON:
8		7	
9		8	DEACON.
10		9	REASON:
	Amanda Maslynsky-Miller		DE LOON
11	Certified Realtime Reporter	10	REASON:
	Dated: August 6, 2018	11	
12	Dated. Hagast 6, 2010	12	REASON:
13		13	
14		14	REASON:
15		15	
16		16	REASON:
17	(The foregoing certification	17	
18	of this transcript does not apply to any	18	REASON:
19	reproduction of the same by any means,	19	
20	unless under the direct control and/or	20	REASON:
21	supervision of the certifying reporter.)	21	
22	supervision of the certifying reporter.)	22	REASON:
23		23	
24		24	REASON:
	Page 491		Page 493
1	INSTRUCTIONS TO WITNESS	1 2	ACKNOWLEDGMENT OF DEPONENT
2		4	I,, do
3	Please read your deposition	3	hereby certify that I have read the foregoing pages, 1 - 489, and that the same is a correct transcription of the
4	over carefully and make any necessary	,	foregoing pages, 1 - 489, and that the
5	corrections. You should state the reason	4	answers given by me to the questions
6	in the appropriate space on the errata	5	therein propounded, except for the
7	sheet for any corrections that are made.	_	corrections or changes in form or
8	After doing so, please sign	6	substance, if any, noted in the attached Errata Sheet.
9	the errata sheet and date it.	7	Errata Sheet.
10		8	CVIDICITION VIEW CONTROL CONTR
l	You are signing same subject	9	CHRISTOPHER ZIMMERMAN DATE
11	to the changes you have noted on the	10	
12	errata sheet, which will be attached to		Subscribed and sworn
13	your deposition.	$ ^{11}$	to before me this
14	It is imperative that you	12	day of, 20
15	return the original errata sheet to the		My commission expires:
16	deposing attorney within thirty (30) days	13	-
17	of receipt of the deposition transcript	14	Notary Public
18	by you. If you fail to do so, the	15	Tiomy I dollo
19	deposition transcript may be deemed to be	16	
20	accurate and may be used in court.	17	
21	accurate and may be used in court.	19	
22		20	
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22		21 22	
23		21 22 23	

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_	LAW	YER'S NOTES	
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